

SENATE*Tuesday, March 21, 2017*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]

Madam President: Hon. Senators, I have granted leave of absence to Sen. Daniel Solomon who is ill.

SENATOR'S APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President, Anthony Thomas Aquinas Carmona O.R.T.T., S.C.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Temporary Senator

By His Excellency ANTHONY THOMAS
AQUINAS CARMONA, O.R.T.T., S.C.,
President of the Republic of Trinidad and
Tobago and Commander-in-Chief of the
Armed Forces.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.

President

TO: MR. SEAN SOBERS

WHEREAS Senator DANIEL SOLOMON is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the

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Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, SEAN SOBERS to be temporarily a member of the Senate, with effect from 21st March, 2017 and continuing during the absence of Senator Daniel Solomon by reason of illness.

Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the
President, St. Ann's, this 21st day of
March, 2017.”

OATH OF ALLEGIANCE

Senator Sean Sobers took and subscribed the Oath of Allegiance as required by law.

INTERNATIONAL FINANCIAL ORGANISATIONS (CORPORACIÓN ANDINA DE FOMENTO) BILL, 2017

Bill to provide for the membership of Trinidad and Tobago in the Corporación Andina de Fomento (also known as “the Andean Development Corporation”) and for the raising of loans from the Corporación Andina de Fomento (Andean Development Corporation) by the Government of Trinidad and Tobago for the purposes of financing development projects in Trinidad and Tobago and for matters incidental thereto, brought from the House of Representatives [*The Minister of Finance*]; read the first time.

INDICTABLE OFFENCES

(PRE-TRIAL PROCEDURE) BILL, 2017

Bill to abolish preliminary enquiries and to provide for the pre-trial procedure in respect of indictable offences and for ancillary matters [*The Attorney General*]; read the first time.

PAPERS LAID

1. Response of the Auditor General to the First Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the Financial Years 2014 and 2015 with specific reference to the Auditor General's Department. [*The Vice-President (Sen. Nigel De Freitas)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Fernando City Corporation Mayor's Fund for the year ended September 30, 2008. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Fernando City Corporation Mayor's Fund for the year ended September 30, 2009. [*Sen. The Hon. P. Gopee-Scoon*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the San Fernando City Corporation Mayor's Fund for the year ended September 30, 2010. [*Sen. The Hon. P. Gopee-Scoon*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Penal/Debe Regional Corporation for the year ended September 30, 2010. [*Sen. The Hon. P. Gopee-Scoon*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Penal/Debe Regional Corporation for the year ended September 30, 2011. [*Sen. The Hon. P. Gopee-Scoon*]

7. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Point Fortin Civic Centre for the year ended September 30, 2000. [*Sen. The Hon. P. Gopee-Scoon*]
8. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Point Fortin Civic Centre for the year ended September 30, 2001. [*Sen. The Hon. P. Gopee-Scoon*]
9. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Point Fortin Civic Centre for the year ended September 30, 2002. [*Sen. The Hon. P. Gopee-Scoon*]
10. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Point Fortin Civic Centre for the year ended September 30, 2003. [*Sen. The Hon. P. Gopee-Scoon*]
11. Ministerial Response of the Ministry of Housing and Urban Development to the First Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Financial Statements of State Enterprises (NSDSL, eTeck, NFM, NQCL, GHRS, NIDCO and TTMF) with specific reference to TTMF. [*Sen. The Hon. P. Gopee-Scoon*]
12. Ministerial Response of the Ministry of Trade and Industry to the First Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Financial Statements of State Enterprises (NSDSL, eTeck, NFM, NQCL, GHRS, NIDCO and TTMF) with specific reference to eTeck and NFM. [*Sen. The Hon. P. Gopee-Scoon*]
13. Ministerial Response of the Ministry of Works and Transport to the First Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Financial Statements of State Enterprises (NSDSL, eTeck, NFM, NQCL, GHRS, NIDCO and TTMF) with specific reference to

NIDCO. [*The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan)*]

JOINT SELECT COMMITTEE REPORTS

(Presentation)

Insurance Bill, 2016

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam President. I have the honour to present the following report as listed on the Order Paper in my name:

Interim Report of the Joint Select Committee appointed to consider and report on the Insurance Bill, 2016.

Thank you.

Gambling (Gaming and Betting)

Control Bill, 2016

Madam President: Sen. Coppin.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): May I respond on his behalf. Madam President, I have the honour to present the following report as listed on the Order Paper:

Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016.

Public Accounts (Enterprises) Committee (Sports Company of Trinidad and Tobago)

Sen. Wade Mark: Thank you, Madam President. I have the honour to present the following report as listed on the Supplemental Order Paper in my name:

Second Report of the Public Accounts (Enterprises) Committee (PAEC), Second Session, (2016/2017) Eleventh Parliament on the Examination of the Report of the Auditor General of the Republic of Trinidad and Tobago on a

Special Audit of the Operations of the Sports Company of Trinidad and Tobago with particular reference to the development and upgrading of Sporting Facilities in Trinidad.

URGENT QUESTIONS

Heritage and Stabilisation Fund (HSF) Drawdown

(Rationale for)

Sen. Wade Mark: Thank you, Madam President. To the Minister of Finance: What is the rationale for the recent drawdown from the Heritage and Stabilisation Fund (HSF) and which, if any, high priority capital projects will be funded from said drawdown?

The Minister of Finance and Acting Minister of Energy and Energy Industries (Hon. Colm Imbert): Thank you Madam President. The rationale was clearly articulated in a press release by the Ministry of Finance on Friday the 17th of March, 2017.

By way of information, the net asset value of Heritage and Stabilisation Fund on that day, March 17th, was US \$5.721 billion. We had previously given a figure of US \$5.695 billion but, that was as of March 03rd, which means that the fund increased in value over a two-week period by some US \$26 million.

When we look at the last 10 months, the fund increased in value between May 16th, when the first drawdown was made, to March 17th, when we indicated the intention to do the second drawdown, by US \$301 million. The second drawdown is equivalent to US \$251 million, which is US \$50 million less than the income earned by the HSF over the last 10 months. The withdrawal is being made strictly in accordance with the formula in the HSF Act, which provides for the use of savings and investments from surplus petroleum revenues where necessary, to cushion the impact on or sustain public expenditure capacity during periods of

revenue downturn whether caused by a fall in the prices of crude oil or natural gas, to also generate an alternate stream of income so as to support public expenditure capacity.

The actual formula in the fund is that where the petroleum revenues collected in any financial year fall below the estimated petroleum revenues for that year by at least 10 per cent, withdrawals may be made from the fund as follows, whichever is the lesser amount. Thank you.

Sen. Mark: Thank you very much, Madam President. Could the hon. Minister indicate to this Senate, what high priority capital projects will be funded from the said drawdown that he has identified?

Hon. C. Imbert: Certainly, and I would use these few minutes just to finish what I was about to say, that you can draw down either 60 per cent of the shortfall or 25 per cent of the balance in the fund. Twenty-five per cent of the balance would be US \$1.43 billion and 60 per cent of the shortfall in revenue for last year is US \$251 million. So you are using the lesser amount.

The Public Sector Investment Programme for 2017, as clearly articulated in the budget documents, is estimated to cost \$5.1 billion. The projected fiscal deficit for 2017 is projected to be \$6 billion. The deficit is to be financed by a combination of borrowing and a withdrawal from the HSF. The withdrawal of TT \$1.71 billion or US \$251 million from the fund is therefore consistent with the 2017 budget statement.

The PSIP actually involves hundreds of projects across 21 Ministries, 100 state enterprises and the Tobago House of Assembly. The withdrawal from the fund would be used to partially fund these several hundred projects, since the total PSIP is \$5.1 billion or \$3.4 billion more than the amount of this withdrawal.

Sen. Mark: Madam President, could the hon. Minister indicate to this Senate whether the Government has exhausted all avenues as it concerns Government rationalization of expenditure before entering and raiding the Heritage and Stabilisation Fund?

Hon. C. Imbert: Well, Madam President, with respect, I reject that assertion that we are raiding the fund. That is what the fund is for when you have a shortfall of funding.

Police Killing

(Details of)

Sen. Wade Mark: To the Minister of National Security: Given the recent killing of a mentally-ill man by the police, can the Minister inform the Senate of what specific training is provided to police officers to prepare them to appropriately address confrontations involving mentally-ill persons?

The Minister of National Security (Hon. Brig. Gen. Edmond Dillon): Thank you, Madam President. Madam President, officers receive training on how to appropriately address confrontation involving mentally-ill persons at the Police Academy, via a behavioural science course. There is a specific module in that course that focuses on dealing with the mentally-ill and their special needs.

To augment this training there is a reference guide which identifies quick tips on effective communication, de-escalation techniques and general interactions when treating with mentally-ill persons, Madam President.

Sen. Mark: Madam President, could the hon. Minister indicate whether excessive force might have been employed in addressing this unfortunate development involving this mentally-ill person by members of the police service?

Hon. Brig. Gen. E. Dillon: Madam President, I am not too sure what definition the Senator asked in terms of excessive force. I would probably like him to define

what excessive force means for him then I would be better able to answer his question, because excessive force is a relative term.

Sen. Ramdeen: Thank you, Madam President. Madam President, through you, could the hon. Minister indicate whether the Commissioner of Police or the Ministry of National Security has received any report from the officers involved, with respect to this particular incident?

Hon. Brig. Gen. E. Dillon: Madam President, the Minister of National Security has not received any report with respect to that incident as yet.

Santa Rita Roman Catholic Primary School

(Details of)

Sen. Wade Mark: To the hon. Minister of Education: In light of recent protests by parents of the Santa Rita Roman Catholic Primary School demanding the removal of a pupil for bullying both students and teachers, what steps are being taken to address this situation?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Thank you. The Government of Trinidad and Tobago recognizes the right of every child to an education. Our Ministry of Education, assisted by its Student Support Services Division, is doing everything possible to ensure that no child is left behind.

The Student Support Services Division has provided all support by way of diagnostic testing and assessment, counselling for both student and family, in and out school of the school environment. A student aide was assigned but was later withdrawn following the student's outburst in January 2017.

A multidisciplinary approach has been utilized and information shared with all stakeholders. An individual behavioural plan has been developed by the behavioural specialist after an assessment of the student. The student has now

been referred to the Child Guidance Clinic for further assessment.

In the interim, officers of the Student Support Services Division and the School Supervision and Management Division will continue to monitor and lend support to the staff and students.

Sen. Mark: Madam President, could the hon. Minister indicate whether the protest that we witnessed yesterday, whether given what she has just indicated to this honourable Senate, would that action taken by the Ministry quell and bring an end to parents' protest?

Sen. The Hon. P. Gopee-Scoon: It is expected to.

Sen. Mark: Madam President, may I also ask finally, in the context of the pupil that is involved in this particular action, has the Ministry taken any decision to have that pupil suspended from school so that, for instance, activities can proceed as normal involving the student and the teaching population?

Sen. The Hon. P. Gopee-Scoon: I am not in a position to respond to the whole question of suspension, but from what I have before me, it appears that the matter is well in hand and being handled by the Student Support Services Division. The Minister is very much in touch with what is going on and monitoring on a continual basis.

ORAL ANSWERS TO QUESTIONS

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Thank you, Madam President. The Government is in a position to answer all the questions, 100 per cent of the oral questions on the Order Paper.

In addition, the Written Question, which is earmarked for next week, is already circulated today.

WRITTEN ANSWER TO QUESTION

Anti-Crime Plans

(Details of)

53. Sen. Paul Richards asked the hon. Minister of National Security:

Can the Minister inform the Senate on the following:

- a) How many anti-crime plans have been initiated in the past twelve months;
- b) What are the metrics for success of these initiatives; and
- c) How many of these initiatives have been successful according to the metrics identified at 'b' above?

Vide end of sitting for written answer.

ORAL ANSWERS TO QUESTIONS

Chatham Primary School

(Details of)

31. Sen. Wade Mark asked the hon. Minister of Education:

What has the Ministry of Education done to assist the students of the Chatham Primary School, who have been displaced for the last three years?

Madam President: Acting Leader of Government Business, you have five minutes.

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Madam President, the students of the Chatham Government Primary School are currently housed at the Southern Gardens Early Childhood Care and Education Centre. Construction works on the new school commenced on October 11, 2013 and the contractor, Construction Services and Supplies Limited, suspended works on October 09, 2015, due to non-payment of invoices. Efforts are being made to source funding to pay the outstanding sum so that construction works can be

restarted. Thank you.

Sen. Mark: Madam President, given the length of time that students have been displaced at this particular school, could the hon. Minister indicate to this Senate a time frame for satisfying those outstanding invoices to the said contractor?

Sen. The Hon. P. Gopee-Scoon: Let me just say that the students are transported on a daily basis to and from the Southern Gardens Early Childhood Care and Education Centre. That venue itself is not very far from the community where they live. It is probably 8 to 10 minutes away. But the Minister has indicated, Minister of Education, that he is sourcing the funding, the Government is sourcing the funding, to clear up the outstanding sums due and as soon as this is done then works will be resumed. I believe the school is about, perhaps, 90 per cent completed. So I do not see that it is going to be a prolonged matter.

Sen. Mark: Madam President, is the Minister indicating that in short order the new school would be completed and the contractual financial obligations owed by the State to the contractor will be satisfied?

Sen. The Hon. P. Gopee-Scoon: Within a reasonable time frame.

Sen. Mark: Madam President, could the hon. Minister indicate to the students and the parents what she means by a reasonable time frame?

Sen. The Hon. P. Gopee-Scoon: As early as is possible.

Sen. Mark: Madam President, can I take that to mean that this would entail the opening of school by August of this year?

Sen. The Hon. P. Gopee-Scoon: I believe you will have to place another question.

Sen. Mark: But that is exactly what I did.

Madam President: Sen. Mark, next question.

Sen. Mark: You see why you are not—[*Interruption*]

Madam President: Sen. Mark.

Sen. Mark: We need the Minister of Education here. **San Fernando West
Secondary School
(Malfunctioning Sewer System)**

32. Sen. Wade Mark asked the hon. Minister of Education:

What action has been taken to resolve the issue of the malfunctioning sewer system at the San Fernando West Secondary School?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):
Thank you. Madam President, the National Maintenance Training and Security Company Limited (MTS), which has responsibility for general school maintenance, undertook immediate repairs to the sewer system following complaints by teachers. This allowed for the continued functioning of the San Fernando West Secondary School.

The problem resurfaced and the Ministry of Education then requested WASA to connect the school's sewer system to the public sewer mains. WASA began repair works on January 16, 2017, and it was completed on January 28, 2017, which allowed for the resumption of regular school activity.

Sen. Mark: Can I take it, from what the hon. Minister has said, that the matter has been fully and completely addressed?

Sen. The Hon. P. Gopee-Scoon: The matter is fully resolved.

**Williamsville Secondary School
(Violent Students)**

33. Sen. Wade Mark asked the hon. Minister of Education:

What systems have been put in place at the Williamsville Secondary School to deal with the issue of students attacking teachers, and vandalising their vehicles?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Thank you. Madam President, the Principal of the Williamsville Secondary School has indicated that there were no incidents of students attacking teachers, neither is there any evidence to support reports of students vandalizing teachers' vehicles.

Notwithstanding, Madam President, the school has developed a school discipline plan as part of the Ministry of Education's proactive strategy to promote discipline in schools. The school discipline plan, which incorporates inputs from officers of the Student Support Services Division, the Curriculum Planning and Development Division, the School Supervision and Management Division and the Health, Safety and Security Services Division involves a number of strategies targeting:

1. Individuals: for example, life skills programmes, career pathing, character development and adolescent programmes;
2. Relationships: developing positive relationships among students, teachers and parents through a prefect system, Parent Teacher Association, local school board and a range of extracurricular activities;
3. Supervision of students: protocols for supervision of students and regular patrol of areas where incidents are likely to occur, beginning with entry at the gates; and
4. Stakeholder involvement, including partnerships such as community police and Families in Action.

Madam President, it should be noted that while we implement proactive strategies to promote discipline in our schools, students who engage in serious acts of misconduct will be removed from the school environment and sent to our learning enhancement centres where attempts to rehabilitate them or source

alternative replacement would be made through programmes implemented by the Student Support Services Division. Thank you.

Sen. Mark: Madam President, since there was no violence at this particular school, Williamsville Secondary School, could the hon. Minister indicate to this Senate what were some of the factors driving the Ministry of Education to introduce a school disciplinary plan?

Sen. The Hon. P. Gopee-Scoon: Thank you. I would like to think that all of us in this room and the general public are concerned about discipline in schools, and I think that the Ministry of Education has acted in assuring that these matters, when they occur, will be in fact dealt with, within a frame that is well established by the Ministry of Education.

I think the Ministry of Education has acted proactively in this regard to ensure that discipline is a number one priority.

Sen. Mark: Madam President, could the hon. Minister indicate whether there was some violent incidents that may have prompted the Ministry of Education to adopt a proactive stance in introducing this particular approach, along with all the factors that you have identified, to make the school more disciplined in the context of school stability?

Madam President: Sen. Mark, I would not allow that question. The Minister has answered what you had posed earlier.

Sen. Mark: Okay. Thank you, Ma'am.

JOINT SELECT COMMITTEES

(EXTENSION OF)

Insurance Bill, 2016

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):
Thank you. Madam President, having regard to the Interim Report of the Joint

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Select Committee appointed to consider and report on the Insurance Bill, 2016, I beg to move that the Committee be allowed an extension of six weeks in order to complete its work and submit a final report by April 28, 2017.

Question put and agreed to.

Gambling (Gaming and Betting) Control Bill, 2016

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Thank you. Madam President, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016, I beg to move that the Committee be allowed an extension of 10 weeks in order to complete its work and submit a final report by May 19, 2017.

Question put and agreed to.

2.00 p.m.

JOINT SELECT COMMITTEES

(APPOINTMENT TO)

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Madam President, I beg to move the following Motion:

Be it resolved that the Senate agree to the following appointments to the Joint Select Committees.

Mr. Gerald Ramdeen, in lieu of Mr. Daniel Solomon, on the Joint Select Committee on Energy Affairs; Miss Khadijah Ameen, in lieu of Mr. Daniel Solomon, on the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA); Mr. Wade Mark, in lieu of Mr. Daniel Solomon, on the Joint Select Committee on Land and Physical Infrastructure.

Question put and agreed to.

MISCELLANEOUS PROVISIONS
(TRIAL BY JUDGE ALONE) BILL, 2017

[Second Day]

Order read for resuming adjourned debate on question [March 14, 2017]:

That the Bill be now read a second time.

Question again proposed.

Madam President: Those who have already spoken in this debate are: the Hon. Faris Al-Rawi, Attorney General, who was the mover the Motion, Sen. Gerald Ramdeen, Sen. Sophia Chote SC, Sen. The Hon. Clarence Rambharat, Sen. Sean Sobers, Sen. H. R. Ian Roach, Sen. W. Michael Coppin, Sen. Khadijah Ameen and Sen. John Heath.

Sen. Foster Cummings: Madam President, I am pleased to join this debate on a Bill to amend the Offences Against the Persons Act, Chap. 11:08 and the Criminal Procedure Act, Chap. 12:02 and for related matters. Madam President, the crux of this matter lies in section 6, the new section 6 of the Bill, which I would want to read. Section 6 of the Act is repealed and substituted with a new Section which provides that persons committed to trial shall be tried on indictment by a Judge and jury but can be tried by a Judge in the absence of a jury if preferred by the accused and if the Court is satisfied that:

- i. “the accused person has sought and received advice from an Attorney-at-law in relation to a trial by a Judge alone;”
- ii. “in the case of a joint trial, all other accused persons have elected to be tried by a Judge alone; and”
- iii. “where two or more charges are to be tried together, the accused person has elected to be tried by a Judge alone in respect of all of the charges.”

On the last occasion we were here, Madam President, we heard from the Attorney General who piloted the Bill—and I must congratulate him [*Desk thumping*] for an outstanding job done—in that he did, indeed, put forward the comprehensive position of the Government, and also spoke to the package—
[*Interruption*]

Sen. Sturge: On a point of order, 42(4).

Madam President: I am not seeing a visual aid.

Sen. Sturge: I am sorry.

Madam President: Sen. Cummings, continue please.

Sen. F. Cummings: Thank you, Madam President. The Attorney General did an excellent job as he put forward the Government's position on its package of legislation to deal with the crime situation and how we improve the Judiciary in Trinidad and Tobago.

Madam President, all the speakers who spoke last week, with the exception of Sen. Ameen, are attorneys-at-law, learned men in the law. I had hoped to hear Sen. Sturge who is always so anxious to contribute towards these debates, but I suppose I shall hear from his wisdom later on today.

Madam President, so that what I can do today is give a layman's perspective on a matter that most of them are very familiar with. I listened with much interest to all the contributions as various speakers discussed the pros and cons of trial by judge and jury or by trial by judge alone. I listened also intently to the radio talk show programme the following day. What had appeared to me is that based on some of the contributions coming from the hon. Senators on the Opposition Bench that members of the public had formed the opinion that somehow this Bill was intended to abolish trial by judge and jury, and so a lot of the contributions on that

programme spoke to that issue. When I traversed the *Hansard* of the last sitting, you will get the impression, based on some of the contributions from the Opposition, that there was a Bill before us to abolish trial by judge and jury.

So I want to make it abundantly clear, for those who may have listened to some of the misinformation and for those who are listening today, that the Bill before us does not seek to abolish what exists now, which is trial by judge and jury. [*Desk thumping*] What the Bill seeks to do, Madam President, is to introduce another option, an elective option, where it would allow the accused person, after receiving legal counsel, to take the decision of whether they will opt for trial by judge and jury as exists now or whether they would opt for trial by judge alone. That is the Bill before us. [*Desk thumping*]

And so, Madam President, there is no right, there is no constitutional right that is being infringed as one of the speakers on the Opposition Bench alluded to last week. What the Constitution says at section 5—and I remind that I am no attorney-at-law, so I am merely trying to make sense of this discussion—is that:

“(1) Except as is otherwise expressly provided in this Chapter and in section 54, no law may abrogate, abridge or infringe or authorise the abrogation, abridgment or infringement of any of the rights and freedoms hereinbefore recognised and declared.

(2) Without prejudice to subsection (1), but subject to this Chapter and to section 54, Parliament may not—...

- (f) deprive a person charged with a criminal offence of the right—
 - (i) to be presumed innocent until proved guilty according to law, but this shall not invalidate a law by reason only that the law imposes on any such person the burden of

proving particular facts;”

And further at:

“(ii) to a fair and public hearing by an independent and impartial tribunal;”

Madam President, the impression was given that somehow by making this addition and giving this other option to the accused that some right was being infringed, and I thought that I would put that matter to bed.

But what do we expect of our Opposition friends in the UNC? [*Crosstalk*] It is always a question of doom and gloom. It is designed to cause panic and to scare the population. It is quite normal conduct for the UNC Opposition. It is their only way—it is the way that they know how to perform as an Opposition party—oppose for opposing sake. It does not matter the merit of the matter at hand, but because the word “Opposition” is used to describe the office that is held then we must oppose it, because that is what we are here for. [*Desk thumping*] Scare the population; spread misinformation; cause panic; find a reason to oppose, and if you cannot find a reason to oppose, create one; exaggerate; dramatize and cause a frenzy; make sure that you grab the headlines; make it up along the way; do nothing about crime when you are Government; dismantle the national security infrastructure and leave our borders porous; and when you are in Opposition, like an old mas band at Carnival time, sing and dance about crime and that the Government cannot do anything to solve it. But, Madam President, the country is aware that this Opposition has no strategy, and that is why they are in the Opposition and we are in the Government. [*Desk thumping*]

Madam President, the Bill before us speaks to, as I said earlier on—
[*Interruption*]

Sen. Sturge: Point of order, 42(11).

Madam President: Sen. Cummings, I am sure that you are referring to your notes, just be aware of Standing Order 42(11). Okay?

Sen. F. Cummings: Thank you, Madam President. I am guided. When I looked at some of the contributions coming from the speech delivered by the Chief Justice at the Ceremonial Opening of the Law Term—and I decided I would go back a bit so that we can see what information was coming from the Judiciary in terms of the matter that we are discussing now. In the address at the Opening of the Law Term for 2013/2014 at page No. 15, the Chief Justice had this to say. I will read a short part of it, Madam President, with your leave:

“Earlier this year, the Judiciary hosted a lecture and panel discussion on the question whether jury trials should be retained. It arose in part out of a concern that jury trials were becoming lengthier, expensive and unmanageable and that the quality of justice received was questionable.”

The Chief Justice had much more to say, but because I have limited time, I would move to the address at the Opening of the Law Term for the 2014/2015 period. And, again, the Chief Justice had this to say in relation to this matter:

“We simply cannot go on this way! I continue to plead for serious consideration of whether the system of trial by jury should be retained at least in its present form, what is clear to me is that it cannot work as currently deployed. Of course I will always continue to question the need for any form of preliminary enquiry process outside of the High Court in which the matter is to be tried.”

And, Madam President, I also refer to 2015/2016 address by the hon. Chief Justice, and at that time he had this to say:

On the process side, about 15% to 20% of sitting time is lost owing to jury management issues such as illness, exams, family funerals, lateness, etc., and this does not include the time we spend traipsing them in and out of the courtroom every time counsel wants to make a legal submission. At the end of that, there are a significant number of hung juries which means we have to start the whole thing over again. What is common sense telling us here?

And, finally, Madam President, I went to the address of 2016/2017 to hear what the Chief Justice had to say about this matter, and at page 22 he says:

Simply put, **THE JURY SYSTEM IS NOT WORKING!!!**

I don't know how many times I have to make the point to those who have no understanding of how it works that if matters are heard by a judge alone he/she has to make a decision one way or the other that is definitive and subject to appeal based on a consideration of transparent written reasons, none of which applies to juries. If the current inefficient and ineffective system is what the country wants to have, then fine. But don't blame me for the consequences!

Year after year after year, at every opportunity that the Judiciary gets, they have advised that something needs to be done, and a responsible Government, this PNM Government, is determined to do something about it. [*Desk thumping*] Madam President, this Bill before us is just one in a package of legislation designed to bring relief and to help relieve the overburden that plagues the judicial system.

I spent some time looking at what applies in some other jurisdictions, and so, Madam President, I just want to share some of it with this honourable Senate. In an article written by Louis Blom-Cooper, published on Friday the 21st of May

2010, entitled:

“Judge-only trials should be an option for serious organised crimes” Here is what Mr. Cooper had to say:

“There is nothing illiberal about questioning the value of the jury system of criminal justice. It is more a question of deciding whether trial by judge and jury in the crown court for more serious criminal offences is as good if not better than any alternative, such as trial by judge alone, or with assessors. The experience of the Diplock courts (trial by judge alone) in Northern Ireland since 1973 for terrorist offences suggests a valuable option, at least for serious organised crimes.

There is no constitutional, or indeed any form of general, right to trial by judge and jury.”

And so, Madam President, this alarmist perspective coming from the Opposition finds no merit, because it is not only in that jurisdiction, but I also looked at an article written by Nicholas Amos, January 28, 2014. Mr. Amos spoke to the question of:

“Laws changing the circumstances in which serious criminal charges can be decided by a judge sitting without a jury have now been in effect since 2012...New South Wales...”

It has acted to improve—I am not quoting anymore—the judicial system in that jurisdiction. He says here:

“The changes that came into effect allow both the prosecution and the defence to suggest that the case be heard by a judge alone. If both parties agree then the court must dispense with a jury.”

And so, Madam President, I can refer to several instances where in various

jurisdictions the question of trials by judge alone has been adopted and has worked well to ease the burden on the Judiciary. [*Desk thumping*] If we are to consider what our friends are saying to us, it is that in spite of the fact that things need improvement, sit and twiddle your thumbs and do nothing about it. They lack vision and they lack the ability to be patriotic citizens of this country. [*Desk thumping*]

Another point I wish to pay some attention to, Madam President, in relation to what this Bill seeks to do, because the fact remains we heard from the Judiciary, and I found it rather unfortunate that when you disagree with the Opposition you become the target of the attacks, because when I looked at the *Hansard* I saw that a particular member of the Opposition took time to attack the head of the Judiciary, which is the Chief Justice, based on his position on this matter. When we are making our contributions and there are persons who are not within this Chamber who may not have the opportunity to respond, I found it to be a very unfair proposition.

The question of the Bill before us will seek to address certain of the shortcomings of the current system. It will treat with issues such as lengthy jury selections; the question of potential mistrials due to tampering by jurors in matters where cases are very complicated and involve complicated legal issues; and where evidential matters may not be easy to explain to a panel of laymen. In a small society like Trinidad and Tobago, it will provide an alternative to the accused and it will also help to ease the burden on the Judiciary.

Madam President, this Bill, as I said earlier on—and I quoted from section 5—does not trample on the rights of the accused. I think that is where we all have to focus our attention. Is the right of the accused under the Constitution trampled

on by the remedy afforded by this Bill? And the question is an abundant no. The UNC knows it is an abundant no, and so Trinidad and Tobago will know today that it is an abundant no. [*Desk thumping*]

The Bill says clearly that the accused must have the benefit of legal counsel. And so I heard contributions coming from several members of the Opposition Bench last week that it is a waste of time, because no lawyer in his right sense will advise his client to choose trial by judge alone. Well, if it is such a waste of time, why are you caught trying to scare the population into thinking that we are trying to abolish jury trials? When we consider that in most—not most, in all of the matters before the Magistrates' Court, there is a magistrate sitting alone, then what is this scare tactic about?

We know that some of the issues that are faced, when we speak to the question of trial by judge and jury, are situations where intense media coverage—where the accused can utilize the question of whether intense media coverage will cause a question of prejudice; where there are attempts for gag orders, the continuous objections and filing of objections by defence attorneys and the lengthy process in jury selection—all of these matters were spoken to by the Chief Justice in his address.

Madam President, this Government is serious about governing Trinidad and Tobago. We will not be distracted. [*Desk thumping*] I will not be distracted even when people choose to raise frivolous issues. We are about governing Trinidad and Tobago. We are about serious Government and the Government is about addressing and fixing the problems that we face in the criminal justice system, Madam President.

I want to give the assurance that although a lot of drama was attempted to be

created around this issue that we have, at this point in time, one of the most hard-working Attorneys General that this country has ever seen, [*Desk thumping*] and you can be sure that he is competent in the law and will bring matters to this Senate that will redound to the benefit of the citizens of Trinidad and Tobago. [*Desk thumping*]

In summarizing, Madam President, I wish to insist for the record that what this Bill is about is merely offering an alternative, an elective alternative that will give the accused person the option of selecting trial by judge alone and to also insist, as I said earlier, that it does not trample on any of the rights, the fundamental rights enshrined in our Constitution. I thank you, Madam President. [*Desk thumping*]

Sen. Wayne Sturge: Madam President, Sen. Cummings opened his contribution by saying that this Bill does not seek to abolish trial by jury. Madam President, permit me to read from page 40 of the *Hansard*, the contribution of the hon. Attorney General when he said:

...this Bill allows us by taking a partial step towards judge-only issues; partial step towards removal of trial by jury...” [*Desk thumping*]

Let me read it again, so that Sen. Cummings can hear in case he missed it.

...this Bill allows us by taking a partial step towards...removal of trial by jury... [*Desk thumping*]

Madam President, this is not the country of Muqtada al-Sadr or Abu Musab al-Zarqawi. This is the country of Dr. Eric Williams, Basdeo Panday, Kamla Persad-Bissessar [*Desk thumping*] and the real leader who still looms large, Patrick Manning, [*Desk thumping*] real leader of the PNM. [*Desk thumping*]

So it is dangerous to paint a picture to the population that this Bill does not have

anything to do with removal of trial by jury. [*Desk thumping*]

2.30 p.m.

Madam President, in what I realize is now fast becoming a fading democracy, there are two civic responsibilities that citizens of this country still have, one is the right to vote at an election, and two is the right to participate in trial by jury. [*Desk thumping*] We are seeing that the Government is seeking to interfere with the right to trial by jury, and when I go through the cost, as claimed by the Attorney General, I really wonder what is next. The Attorney General last week started off by saying that trial by jury cost this country \$260 million in five years; that claim was rubbished by someone who actually practises in the criminal court, Independent Sen. Sophia Chote SC. What the Attorney General sought to pray aid in, was to suggest that the country was actually losing man hours and calculated it by reference to minimum wage, when actually only the jurors who are selected for sitting are the jurors who do not go to work when they are actually sitting. There are only 10 courts in this country, so if you multiply the man hours by the jurors sitting in those 10 criminal courts, it is nowhere near \$260million.

The Attorney General went on further to say the direct cost to trial by jury is actually \$10.3 million. So he dropped down by \$250 million; so we knock that off. So the direct cost from 2011 to 2015—from reading what he said in the *Hansard*—four years—\$10.3 million. So if it cost this country \$10.3 million on jury trials in the four-year period, let us divide it. That is \$2.5 million per year. If it is \$2.5 million per year, and we have to divide it by 10 courts, then that is how much? That is \$250,000 thereabouts a month. Not per court, that is \$250,000 a month. When you divide it by the 10 courts, you come down to about \$25,000 a month. Is that we are complaining about, \$25,000 per month? Really? How much money

did One Alexander cost us? Madam President, \$100 million—\$100 million.

Sen. Ameen: It is still costing.

Sen. W. Sturge: One million dollars a month and still going, for an empty building. I want to know, since we have a problem with spending \$25,000 per court per month on jury trials, what is next? If you are complaining about \$25,000 per month, or let us say if you count all the courts together, \$250,000 per month, how much does it cost to run this Parliament? The rate we are going at the next thing we will be hearing is we do not need Parliament. We do not need elections. In fact, from what they are saying, we do not need “no” Opposition. We are squarely heading down the road of Iraq and Iran, and something has to be wrong with that.

Madam President, let me go squarely to the Bill, since my learned friend, Sen. Cummings, went into the Bill and showed exactly what is wrong with this Bill. I will go directly to the new section 6(3). In essence this is the section I have a problem with. They say listen, after legal advice an accused can opt for a trial by judge alone or judge and jury, but that is not the real problem. The real problem comes after the sting, it is in 6(3). Hear it:

“Where the Court makes an Order pursuant to subsection (2), an accused shall not subsequently apply for a trial by jury.”

Something has to be wrong with that. I will say why in a second. You have to take into account that 19 out of 20 persons charged with indictable offences appearing before the Assizes are legally aided. They rely on Legal Aid lawyers—19 out of 20. The first lawyers they come into contact with would be instructing attorneys. Instructing attorneys are usually fresh out of law school looking to make their mark; they do not have the benefit of experience. A lot of the

preliminary decisions made early on are usually rejected when the experienced advocate attorney comes on board.

So can you imagine a lawyer fresh out of law school, a Legal Aid lawyer, is telling an accused person, “Elect trial by judge alone, if you want to get out of here quick. It is faster.”—which is not true—and then when it is time for trial and the advocate comes in, or the more experienced lawyer comes in, he says that was a mistake. So, according to this provision that is a mistake he cannot correct. This in terms of murder trials, the accused is going to pay for this mistake with his life. [*Desk thumping*] Because like it or not—and we have to go back to the studies on jury trial—magistrates and single judges convict nine out of 10 times, where jurors convict 50 per cent of the time. So you have a much better chance if you are tried by a jury, as opposed to if you are tried by a magistrate. So why are we tying the hands of the accused, so that he cannot in future say, “Listen, I made a mistake, I really want to be tried by a jury of my peers.” Let me tell you what is wrong with that.

A rich person will never find himself in that situation, and that is the spin on this Bill. This Bill seeks to give the option of trial by judge alone, but who benefits in this country when there is a single judicial officer, trial by judge alone? Brad Boyce, Gomes and Gomez, Naraynsingh, Sonia Farfan, Leslie Amoroso-Centeno; the list can go on. So that this basically gives the rich, well-connected accused person, if perchance he is charged—because they somehow either do not commit crime or do not get charged. But if, God forbid, the rich man ends up in the judicial system, this is his ticket out. This is an elitist provision.

Madam President: Sen. Sturge, two things—could you address me, and also you seem to be brandishing the Bill.

Sen. W. Sturge: It is the Bill, I am sorry. Let me make it clear, what I am holding in my hand is the Bill.

Madam President: It does not matter, but you know.

Sen. W. Sturge: Yes, I am sorry.

Let me give you the flipside of this thing. If you are in the Magistrates' Court charged with an indictable offence that is triable either way, when you first appear the magistrate is going to ask you, "Do you wish to be tried here or in the High Court before a judge and jury?" If you say, "I want to be tried here", the matter does not start right away, it takes years. But years down the road when it is time for the trial to actually start, and the real lawyer comes in, the lawyer would tell you, "Listen, having regard to the facts of this case, it is better to be tried by a judge and jury." Do you know, Madam President, that a magistrate who is a creature of statute has the discretion to allow you to change? Imagine in the Magistrates' Court you first select trial by magistrate alone, and then when the time comes you say, "Listen, that was a mistake, let me be tried by judge and jury," and the magistrate has the jurisdiction and the discretion to allow you to change. Does it make sense that a magistrate, which is an inferior officer, a creature of statute, can be given the discretion to allow the accused to change his selection, but a trial judge, his hands are tied by legislation? Does that make sense? "That ain't make no sense." [*Desk thumping*]

Madam Speaker, I want to go to another part. There is so much wrong with this Bill, but my time is limited and there is much to say. If we flip the page and we go to page 4 of what was sent, a new 42B(1) and a 42B(3). Section 42B(1) deals with the giving of reasons, and it says at the end:

"...the Judge shall give...reasons...at the time of conviction or acquittal, or

as soon as reasonably practicable thereafter.”

Madam President, in Trinidad and Tobago—and I am not hitting anyone, I am dealing with facts—you have the head of the Judiciary taking three and a half years to give reasons in Lester Pitman on one single issue. If he is the leader—

Madam President: Sen. Sturge, you can make your arguments, but you do not have to involve members of the Judiciary.

Sen. W. Sturge: Guided. So what I wish to say, then what really in law, if we have to go by what obtains, is “as soon as reasonably practicable thereafter”? Is it three years and eight months, is it four years? You see, if you are going no burden a trial judge with the duty to give reasons in writing, then he cannot sit on a trial while he is preparing his reasons, and trial time is lost. In complex cases in particular, in most cases, whilst he is giving his reasons, he has to keep in mind that this country, if they wish to carry out the death penalty, is subjected to two—well, the timelines in *Pratt and Morgan*. So this provision will guarantee that the time frames stipulated by the Privy Council in *Pratt and Morgan* will not be met. [Desk thumping] So no hope of hanging nobody.

Madam President, 42B(3), when you look at that, it says in essence that if there is a warning that is normally given to the jury, the judge is to take this warning into account in dealing with the matter. Unless you put in this section that he is to state in his reasons that he had actually taken that warning into account, then how do we know? So this is another shortfall of this particular section.

Temporary Sen. John Heath had already gone through some of the other shortcomings, so I do not propose to deal with it at all. Sen. Cummings, just like the Attorney General, made reference to the dicta of Lord Diplock. For those looking on, in law there is something called obiter dicta and something called ratio

decidendi. The ratio decidendi is the reason for coming to a decision, the *raison d'être*. The obiter dicta is something the judge may have said in passing, it is not the rationale. But the Attorney General has come to this House and prayed in aid obiter dicta from Lord Diplock, to support his assertion that there is no right to trial by jury in Trinidad and Tobago, as Lord Diplock said with respect to Jamaica.

Lord Diplock speaking in 1980—who was Lord Diplock? Lord Diplock set up judge alone courts to try Irish citizens who were involved in what the English called “terrorist activities”. So the first thing is you have a nationalist agenda at stake here, and the second thing is you are dealing with terrorism. So what Lord Diplock said must be taken in that context. What happens in South Africa must be taken in the context of their history; what happened in India, and so on and so on. But every progressive democracy in this world has retained trial by jury. [*Desk thumping*] But it seems as though we are on the road to regressing.

I was quite taken aback when a few weeks ago I saw this Bill placed on our table, because when I looked at the provisions of this Bill and I hearkened back to the contribution of the Attorney General when he made his budget contribution in 2015, then this must be a contradiction in terms. I would like the Attorney General to explain this: how in 2015 when you are making your contribution on the budget, you are saying you want to start a system of lay magistrates to encourage citizen participation in the administration of justice, something which is expensive first of all? So he wants to encourage citizen participation in the administration of justice at the lowest level, the Magistrates' Court, where sentences range from reprimand and discharge, to community service, to bonds, to fines and, in extreme cases, imprisonment. So you want to give citizen participation for the least of the apostles, for the least serious of offences, but you want to remove citizen

participation for the most grievous offences that could land you in prison for life, or if “Mr. Ramesh Al-Rawi” has his way, suffer death by hanging.

It does not make sense. It is Janus faced, it is a Harvey Dent approach to be encouraging citizen participation for Magistrates’ Courts, but seeking to remove it, because it is very clear—and I read it, page 40 of the *Hansard*—this is just the first step. So here we have streams into rivers, rivers into seas, creeping to galloping, and if I may borrow a term used by Senior Counsel Israel Khan, most decorated attorney at the Criminal Bar, only a fool or a dictator would seek to remove trial by jury. [*Desk thumping*] We have a choice, fool or dictator.

Madam President: When quotations are made, it is because you are actually owning the quotation that you made. So I would ask you to withdraw that comment.

Sen. W. Sturge: I withdraw it, Madam President.

After making a comment, Senior Counsel Israel Khan at the guest lecture at the Hugh Wooding Law School, Tuesday, March 14, 2017, referred to the speech which was mentioned by Sen. Cummings and the Attorney General when they called for the removal of trial by jury. He referred to it as an attack on the salt of the earth, the ordinary God-fearing citizens of Trinidad and Tobago. He said this attack is not new to us. He made reference to Lord Harris, who incidentally still has a square in Port of Spain opposite St. Joseph’s Convent on Oxford Street. Lord Harris, speaking in 1847 to the honourable Secretary of the Colonies, one year before the emancipation of African slavery, stated in relation to our people, and I quote—I will leave part of the quote out:

“They are not neither coolies or niggers fit to be placed in a position which the labourers of civilized countries may at once occupy: they must be treated

like children, and wayward ones too, the former from their habits and their religion, the latter from the utterly savage state in which they arrive.”

Madam President, we have come too far, we fought too long and too hard for the salt-of-the-earth citizens of this country to take part in trial by jury. It started out first of all when you had to belong to the land-owning class. In fact, there was a time by reason of your gender, if you were a woman you could not take part. So all this history that we have built up, why are we now seeking to throw it away and then pretend we are giving a person charged an option to throw away what is an absolute right? [*Desk thumping*]

He goes on, Mr. Israel Khan:

I humbly submit to you that Massa day is not done in this country, he has reincarnated, metaphorically speaking, in the jacket and tie/knife and fork—Afro and Indo Saxons who are of the view that the descendants of the field slaves should not participate in the delivery of Justice in this country. They rule this country in the interest of the parasitic oligarchy who continue to suck the blood and sweat of our people.

This, Madam President, must not be allowed to happen in this country. [*Desk thumping*] There is a quote, not as saucy, from Margaret Demerieux who in her seminal work made reference to trial by jury. Mr. Khan, decorated criminal lawyer of four decades experience, at the time of his lecture cautioned the students that:

“...you are the leaders of tomorrow...be watchful and careful as to where our elitist leaders want to take us.”

After going into that he made reference to the quote by Miss DeMerieux. It is at page 19 of his speech. We heard from the non-lawyer, my friend Sen. Coppin—Sen. Cummings, well, “same ting”—and we also heard from the Attorney General,

who himself does not seem to believe what he is saying, because I am sure the Attorney General himself would have been a student of Margaret DeMerieux.

In her book, *Fundamental Rights in Commonwealth Caribbean Constitutions*, at page 36 this is what she said:

“The absence of a right to jury trial may well rob the West Indian states of a constitutionally based protection from possible attempts of government to bring unfounded charges in order to eliminate political enemies from judicial personage too responsive to the voice of higher authority and from corrupt or overzealous prosecution.”

Mr. Khan went on to say:

“...trial by jury thus as an institution is a check”—and balance—“on the use of the criminal trial system as a weapon in the hands of the state.”

So for those who wanted to rely on the obiter dicta of Lord Diplock, and could find no case to say as a matter of certitude that it is not a constitutionally guaranteed right, we have our own legal luminary—and we like to talk about forget about Privy Council, we like to talk about, “leh we do we own thing”, that we have bright jurists here—well look “de” brightest jurist here saying you have a right to trial by jury guaranteed by the Constitution. [*Desk thumping*]

Sen. Cummings also made reference to the length of time, the delays in the criminal justice system and so on and so on. I hearken back to the contribution of the Attorney General last week, I think it was, when he said that 15 to 20 per cent of trial time is lost owing to issues relating to the jury. Well, what about the other 80 or 85 per cent, why not fix that? Because if you examine what has taken place in the past 15 years, you will see not only that the PNM is responsible for the delay in the criminal justice system, you will see that by the time this Attorney General

finishes with his crime suite, that crime suite will turn sour, [*Desk thumping*] and it will be the final nail in the coffin of this criminal justice system.

Let me give you an example, Madam President, cases that Sen. Chote SC might be familiar with. Over 15 years ago—let me start with Daniel Agard—charged December 18, 2001, for a triple murder, charged December 18, 2001; convicted July 2004. That is three years. Sebastian Joseph, charged along with Andy Brown and others, he is charged in February 2002. He is tried in January 2005; that is three years. Shondell Riley, charged February or March 2002, tried 2005. I raise that to make a point, because everyone is asking the question: why is Jamaica, with limited resources, a crime problem equally as bad as Trinidad and Tobago, able to get you from charge to verdict within three years and why can we not? The question on everybody's lips: Why is it taking us 12 and 15 years? The Attorney General in his contribution last week said that 54 per cent of the cases at the Port of Spain High Court are 15 years and older. So how did we move from three years—Daniel Agard, Sebastien Joseph, Shondell Riley, back in the early 2000s, which was the norm—to 12 and 15 years? How is Jamaica still able to bring you from charge to verdict within three years? And why have we gone to 12 and 15 years? Simple, and there are three stages of delay.

In 2005, the Attorney General, John Jeremie, started his suite of crime legislation to deal with the criminal justice system. He proposed paper committals which he said would speed up preliminary enquiries. Do you know what happened, Madam President? It tripled the time for a quick preliminary enquiry. Preliminary enquiries before 2005 took a year. I know, Sen. Ramdeen knows, Sen. Chote SC knows. Since that came into effect—thank you Mr. John Jeremie—preliminary enquiries take three to five years. Because what Mr. John Jeremie did

was to simply import wholesale legislation from the United Kingdom, not taking into account that the work ethic of British citizens is very different to the work ethic of Trinidadians. Not taking into account that Trinidadian police officers are a very different breed to British police officers. Therefore, the prosecutors at the Magistrates' Court are at the mercy of these police officers. So whereas before 2005 you simply call your witness, put him in the box, now you have to arrange for the witness to meet with the police officer, to go and meet with the JP to swear and all of that. I do not want to go down in too much detail, the point is made.

In 2007, another suite of crime legislation Mr. John Jeremie brought, to import wholesale into this jurisdiction the laws dealing with hearsay that the British started in 2003. So whereas before that witnesses would come to court whether they frighten, whether they sick or whatever, and testify, now nobody wants to come to court. Everybody sick, cannot be found, out of the jurisdiction and so on. Every conceivable application that can be made under the hearsay legislation is now being made by prosecutors, because people do not want to testify. So Mr. John Jeremie singlehandedly tripled and quadrupled the delay in the Magistrates' Court.

Then you have, after you are committed to stand trial, the office of the DPP has to indict you. That takes another three, four, five years, because he is understaffed. So which gets me to the point, why every single Bill brought by this Attorney General will fail. [*Desk thumping*]

3.00 p.m.

Let me show you why. Because, you see, you need lawyers to operate the criminal justice system. The DPP has already complained about the high turnover at his office. People do not stay in criminal law. People do not stay at the private

Bar. It is four years and you are out. Nobody wants to stay in the system. And you are dealing with persons who come straight out of high school into university, into law school and have to deal with, many times, hardened criminals. Nobody wants to stay because of the risks.

So prosecutors are leaving, they are going to the Magistrates' Court to become magistrates or wherever they can go. Persons at the private Bar are leaving and the Attorney General made reference to 20 lawyers running the Criminal Bar in this country. If you have 20 lawyers running the Criminal Bar and all of them have said that, if you want to do this piece to abolish trial by jury, do it yourself. We will all be leaving.

So, then how is the criminal justice system going to operate if it is “lawyerless”? [*Desk thumping*] And I have said it time and time again, you have to incentivize the Criminal Bar because nobody wants to do criminal law. It does not pay. Let me give examples: for Legal Aid, I did Sebastian Joseph for seven months. You know how much I got?—\$10,000. So this figure that the Attorney General quoted about hourly rates—nobody gets hourly rates in the criminal justice system, that is civil. Right.

And then you have, and then I did Daniel Agard, nine months. You know how much I got?—\$30,000. And I could go on and on and on. [*Crosstalk*] Now, I am hearing some rumblings about how much “ah geh in Vindra Naipaul”. Let me explain what happened in Vindra Naipaul.

Madam President: No. Sen. Sturge. One minute, please. This is not the place to be dealing with your personal matters. Okay?

Sen. W. Sturge: Yes.

Madam President: All right.

Sen. W. Sturge: Yes, I am not dealing with personal matters. I am simply seeking to show what happened and where, the delays.

Because you see in Vindra Naipaul, that trial only came off, that trial only came off—nobody wanted to do it. The trial lasted three years. One year of legal arguments. Thank you, John Jeremie, again. And that is what is plaguing the criminal justice system now. When you come to trial: everybody has applications for fresh evidence; everybody wants to make applications for hearsay; everybody wants to bring bad character legislation. [*Interruption*] Thank you.

So, you want to ask, how is it that Jamaica can do it? Jamaica does not have paper committals. Jamaica does not have the UK bad character legislation that we have. Jamaica has disclosure. So all of the disclosure that we get whilst the trial is going on, and stuttering the trial and lengthening it, Jamaica does not have that. So until you deal with these issues, the criminal justice system will continue to fail. I am sorry to say that.

Now, a point was made about sequestrations. In the last three years, sorry, the last four years we had three sequestrations. To get to four sequestrations we have to go back 25 years. So to come and blame sequestrations of juries when it is necessary does not make a point.

So, you want to ask: why are juries not convicting?—because that was raised. Because that is not the purpose of the criminal justice system. It is not designed to convict. It is designed to guarantee a fair trial. [*Desk thumping*] And if the evidence is there to convict you, you will get convicted. Juries convict. So do not get carried away. Juries do convict.

I want to, in the little time I have, make reference to a quote by Tom Bingham, *The Rule of Law*. He, incidentally, is the dissenting judge in the case we

like to quote, Surratt, described as the greatest jurist in the last 100 years. And it is a note of caution because I heard Sen. Coppin, praying aid, speeches of the Lord Chief Justice asking for abolition of trial by jury and so on. So, let me caution. Justice Lord Bingham has cautioned—where “meh” glasses? Yes. Three cautionary tales. Well, let me read:

“The proposal was the subject of a sustained attack by the judicial members of the House of Lords. The thrust of the criticism was expressed by one judge...”—in particular—“who said: ‘It is no part of the business of His Majesty’s judges, and never has been a part of their business, at any rate since the Act of Settlement, to have any advisory concern in the acts of the Administration or to take any part in advising’”—the Executive—“the Administration.’ The vice in the proposal is not hard to see. If judges, almost certainly on hypothetical facts, advise the government that a certain course of conduct would be lawful, they disable themselves from ruling on the question”—[*Desk thumping*]—“in an independent and impartial way when, in due course...”—the case comes before them.

So, right there and then, since the legislative agenda is being pursued by someone, if the Lord Chief Justice is calling for this, when the constitutionality of this is being tested, he is the first person who cannot sit, according to Tom—[*Desk thumping*]

And I heard it is not just the Lord Chief Justice from the speech of the learned Attorney General. It is other judges of appeal and High Court. So, we would like to know the names of all because they cannot sit. It is not the business of the judges of any country to advise the Government of the day what legislation should be put in place. [*Desk thumping*]

“Far more objectionable”—he went on—“would be any undisclosed discussion between judges and the government concerning the lawfulness of a potential course of action.”

I do not need to read further. It is at page 93 and 94 of *The Rule of Law* by Tom Bingham. So it is quite clear that the Judiciary ought not to be putting its mouth in this.

And then I heard a quote last from the Attorney General that a member of the Judiciary said, “Do not let some of the profession hijack this debate”. Whose business is that? There is a separation of powers in this country. [*Desk thumping*] The Opposition has a job to do. There is an independent Senate with a job to do. Whose business it is to say, do not let a few. I wonder who he is talking about.

But I want to close—can I ask how many more minutes I have, Madam President?

Madam President: You have 15 seconds.

Sen. W. Sturge: Jesus Christ have mercy.

Madam President: No. No. No. Sen. Sturge, take your seat, please. You actually have six seconds now.

Sen. W. Sturge: Thank you kindly. This is my contribution to this debate. [*Desk thumping*]

Sen. Melissa Ramkisson: [*Desk thumping*] Thank you, Madam President. It was a little heated, but we are going to try to calm down a little bit. But we can definitely feel the passion that this is Sen. Sturge’s profession, so I understand. [*Desk thumping*]

So, Madam President, let me firstly start with joining Sen. Cummings in commending the hon. AG in bringing forward different pieces of legislation to try

to fix our aged system. [*Desk thumping*] We heard that these laws are 90 years old and some more. So it is a good step to try to amend such.

So, Madam President, this topic is not new to our society, it has been discussed, debated prior. I have read in my research in 2013 the then AG was seeking to abolish trial by jury. So, we now have an amendment or an alternative to this approach where we are introducing trial by judge alone or trial by jury.

Now, I have read that in countries like in the UK that have introduced trial by judge alone have seen a significant reduction in trial by jury. And it has been said by many speakers that they have noted that when they have seen trial by judge alone, they have seen the abolishment of trial by jury. So, I do not know if that will happen to us, but it has definitely been seen in the trends.

So, Madam President, I am not here to condemn or attack any person, any party, but just to share my own interpretation of the Bill before us, as well as the research in the area. I am in no way a lawyer, but I am a proud citizen of Trinidad and Tobago, so this is truly my interpretation of what is before us.

I must, before I start my deliberations, speak of one item that I found that was very important to me and that is the working of the Senate. We heard Sen. Sturge highlight the independence of different executive bodies, but we need to understand what is the real role or the key role of Senators in the Republic of Trinidad. And one of our roles is to serve as a final examination of Bills before they are passed to be signed off by the President of the Republic of Trinidad and Tobago and become law of Trinidad and Tobago.

We are that last scrutinizing eye that can say that this is what is best serving for our country and the people of our country. So, we cannot disrespect the workings of this Chamber, Madam President, by allowing part-time Senators or

Senators, five days' notice. [*Desk thumping*] That is not acceptable. I was very happy because I was tabled to speak at the last sitting to be given one week more. And with that one week, Madam President, I was not only able to make a stand, but I was even able to find recommendations that can be very much suited to our society which I will be sharing before the end of my speaking time.

So, Madam President, we have to be very critical, as well as we need to understand the priority in tailoring good legislation and how it passes these chambers. Unfortunately, Madam President, I have to say that I do like the option of a trial by judge alone or a trial by jury, but not in its present state in the Bill before us. So, I will not be one of those supporting this piece of legislation, [*Desk thumping*] and I have different angles that I would like to walk you through.

So, yes, judges are held at a higher accountability than the population, as it should be, but we cannot forget that judges are human. And I personally cannot and do not support the accused choosing the option of a judge-alone trial or a jury. There are alternative recommendations I have seen in other pieces of legislation in different countries and I will be sharing the advantages and disadvantages of the both trials and how it relates to us citizens of Trinidad and Tobago.

Now, at the last sitting Sen. Ameen made a statement that I have to say, that I agree with and that was—and she is here, so if I am wrong, please correct me. It was a statement that said that justice lies in the hands of the rich. And I have to say that I support that statement because it has so much truth in it. Yes. We frown upon it because it is not something we want, but it is something that is existing in our country, and I can give you a very clear example. It is fictional because I am not yet a millionaire, but aspiring. If I was a millionaire, Madam President, all I have to do is to have one friend and that is all I need. [*Desk thumping*]

In the Tenth Parliament there was a debate for the amendment of the judges' remuneration packages, which did not pass. So, we do know that there is amendment to that piece of legislation. So it is not something that we want, it is unfortunately not fictional, but it is something that exists. I do not know how letting drug lords and high-profile cases or very reputable, favourable persons choosing a judge-alone trial is going to help us. It is going to definitely attack the institution because the public confidence is someone or something that looks at the jury as favourable. They see 12 independent persons and they think that they have the best interest of their country at heart and that is why they are serving, so that is why they would always have that confidence. When you are putting that weight on a judge's shoulders, it really is something that we really cannot take lightly.

There is even a statement that voices of big corporations and millionaires are the only voices Trinidadians hear. We might think that is very far-fetched, Madam President, but if we look at the *Express* January 25, 2017, and there is the statement of the:

“...country's corruption ranking plunged from the 72nd out of a 168 countries assessed in 2015 to 101st out of 176 countries assessed in 2016.”

What does this mean?—we are more corrupted than in 2015. And not only that. There is only 176 countries assessed and we are 101.

We heard Sen. Sturge speak a lot about Jamaica and if we look at their corruption ranking, they are higher than us. They are only 83. They are in double digits. We look at Greece who we know was recently bankrupt and they are perceived as 69. How is this even possible that we are at this stage? And we even look at our fellow neighbours like St. Lucia and Barbados and they are like 65 ranked—I mean, sorry, 35 ranked and 31 and yet we are at 101, Madam President.

I do not know if you understand the severity of that? And that is just the perception of the world. So, we are asking a lot of our judges.

And I have to ask this statement during this debate: is it acceptable to have a system that frees 10 guilty men and convicts one innocent man? Many of you may have different opinions of that. And for the listening public, Madam President, through you, there are different types of offences that are addressed in Trinidad and Tobago and have we heard a lot of it from the lawyers and senior counsels within the Chamber and I just want to break it down.

We have summary convictions which include offences like: common assault, disorderly behaviour and minor criminal damage to property. And these summary offences are governed by the Act, Chap. 11:02 and are tried in a Magistrates' Court by the magistrate. And section 33 of the Summary Courts Act provides the summary offences are by way of a complaint. So when you make a complaint then it comes to the magistrate.

Now, before us we are dealing with indictable offences such as murder, wounding with intent and arson. And again I say this can be viewed with a lot of imbalance and unfairness to place these types of offences to be done solely in the hands of a judge.

Now, Madam President, Trinidad and Tobago has not seen or we have not heard really of corruption within our judges and we are very grateful for such. However, I did look internationally, and let us look at the Caribbean. Corrupt judges in the Caribbean. "Panamanian lawyers file criminal complaints against allegedly corrupt judges". And that was published on October 17, 2016, Panama City, and I quote:

"Panama...Lawyers from two local law firms have brought criminal charges

against two sitting Panamanian judges who dismissed all the money laundering charges against a dozen individuals who were close associates of the fugitive former president of Panama...

The lawyers allege judicial misconduct.”

And the article went on to say that there were corruption charges against individuals who bribed the judges and they pleaded guilty and so forth. Now, this is one case where we have seen in our history in the Caribbean where we have seen corrupt judges.

Now, we look at the US. And the US also had a case and this is taken from an article of five corrupt judges and the countless lives they tried to destroy. And there is a case study that was discussed in this article about Judge Thomas J. Maloney who was a judge in Illinois from 1977 to 1991. And this judge was the focus of many investigations based on bribes, corruption, and they even affiliated him with the mafia murders, gangsters and so forth.

So, Madam President, it is not strange to think that judges can be corrupted. Now, we have been blessed to not have judges [*Cell phone rings*] with such ethical values but we do have—[*Interruption*]

Madam President: Sen. Ramkissoon, just—Minister, could you just take the phone outside and perhaps try and get it off. Thank you. Sen. Ramkissoon.

Sen. M. Ramkissoon: Thank you, Madam President. So just to make another point. A lot of persons or a lot of Senators have quoted from the hon. Chief Justice’s address for the opening law term 2016/2017. So, I want to quote from the hon. Chief Justice, Justice Ivor Archie in his address at the annual Anti-Corruption Conference of the Trinidad and Tobago Transparency Institute on March 14, 2014. And there were key points made in this conference and I felt was quite alarming as

a citizen of Trinidad and Tobago to learn of.

One:

“Bribery is widespread overall: More than one in four people...”—which is—“(27 per cent) report having paid a bribe in the last 12 months when interacting with key public institutions and services.”

This is Trinidad and Tobago, Madam President. The second point that I found quite alarming was,:

“Among the eight services evaluated, the police and the judiciary are seen as the two most bribery-prone. An estimated 31 per cent of the people who came into contact with the police report having paid a bribe. For those interacting with the judiciary, the share is 24 per cent.”

And this is from the hon. Chief Justice of Trinidad and Tobago, made in 2014. And again, we are looking at it that we are trying to make our system better for the citizens of Trinidad and Tobago by allowing them, the accused of crimes of indictable charges, an option to choose a judge-alone trial or a jury trial, and this is the kind of scrutiny you are going to put your judges against if we allow this.

Another light, another way we can even look at this, in light of our very high crime status and our low detection rate it is quite reluctant to put a weight on a judge to convict a criminal. Two, an accused, because you are innocent until proven guilty, but if you are accused and I know your reputation because I live in Trinidad and Tobago, it is very small, and you are accused and I have to now put you to death or to life imprisonment, how is that safe? I am standing here as a Senator and sometimes I hear the comments on the outside, be careful what you say inside there. Now, this is just hearsay because I say what I have to say because I believe in my country, [*Desk thumping*] I believe that we have a purpose here and

it will change. I am hoping and praying that it will change.

Now, we again, we have to be careful. This is Trinidad and Tobago presently. If the crime situation changes, then this point makes no sense, but this is 2017. 2016 we were more corrupted than 2015. If we have reduced, then okay, fine, but we are not. We are going lower down.

So, Madam President, I even went and researched this point because I would really like to say things that I really have some evidence in saying. And I looked at the *Express* September 05, 2015.

“A raid at the Remand Yard Prison at Golden Grove, Arouca, on Thursday afternoon, resulted in the seizure of estimated \$100,000 in marijuana, along with several contraband items,...”—and—“...weapons.”

And this even made me more alarmed because now we know that prisoners are equipped with things within the prison walls that can affect citizens on the outside of those prison walls. So it is not unheard of to make a call from the inside to the outside.

And also now, Madam President, another question: how can an accused who has the option to choose a judge-alone trial or jury and he chooses a judge-alone trial knowing that he or she is a public figure? How are we putting these judges in these positions? So, Madam President, I have looked at the judge alone. Let us look at the jury and why I support the jury trial.

I believe, and this is from my research, this is part of my constitutional right to serve on a jury. [*Desk thumping*] Unfortunately, it is not taught in our basic school system, so we do not have that kind of country pride to serve as you would see in other states or countries. So, being asked to serve as a juror is the only way you can participate within the judicial or in the justice system. That is the only

way you can really serve. Because, yes, I am a Senator, but if I did not have this position, the only other opportunity I could have served my country within the justice system, will be to serve as a juror.

The Rt Hon Dominic Grieve QC, who is the former English AG, delivered a speech on the 11th of December, 2013, sharing some statistical data related to juries which was carried out by Prof. Thomas of the University College London, and it was published by the Minister of Justice in 2010. And the research found little evidence that juries are not fair. It was also looked at the effectiveness of juries and found that once sworn, juries reached verdicts by deliberation on 89 per cent of all charges. And the juries would discharge in less than 1 per cent of these cases. So, we have seen merit in the jury system.

The research even went on to show that the jury's ability to understand the judge's legal directions increased when written instructions were provided. And they found that this should not be a one-off case, but this should be a normal practice. I do not see that part of the Jury Act, but maybe we can look at it as a recommendation going forward for persons because we look at it as a disadvantage that persons do not understand the judge's legal instruction, and they have found—research said that, once it is written, it can be understood.

So there are advantages to the jury system where citizens can participate directly with the justice system; also, there is more public confidence in a jury over the voice of one judge. And this is very important when you are making statements—is it acceptable to free 10 guilty men or convict one innocent man? And our system needs to ensure that we protect the rights of our innocent.

3.30 p.m.

And, Madam President, jury service is based on giving citizens an

opportunity to live the principles of our Constitution. Unfortunately, in our country there is constant erosion of such public confidence, but we need to understand, and the Government and those who sit in position need to understand that the population is crying out, the victims—they want persons to feel safe, protected. Those who have been raped, molested, shot, wrongfully accused, these are the voices we serve and represent, and justice is the only hope that the pain will ease and closure will come, and the attackers will not be repeat offenders.

So, Madam President, trial by citizens or trial by peers as we call it, demonstrates the importance of governing oneself through jury service, and the majority of our citizens positively contribute to our society and this is one way for us to serve our country and make a direct choice on how the law should affect an accused citizen. So, there are disadvantages to the jury system, like some jurors see it as a hassle between work and domestic obligations, and we have seen, and I believe we heard a “lil” earlier where the jury pool is depleting because persons are submitting reasons for excuse. And I would like to recommend—if this is not already done, because I did not find it—for our country to have a jury utilization report, and this is where the State should know how many jurors were utilized for a certain period, and this could really assist us in managing it and ensuring that persons do not think of it as a negative light but as a positive one.

There is the disadvantage again, that it is easier to bribe a juror than a judge, and then also unfortunately now our country because we are multicultural is the problem of racial biasness, and again this is something that instructions, or culture helps change, so it is something that needs to be managed, as well, trial by Google, I have heard it mentioned earlier by hon. AG when he was making his introduction where this was a disadvantage. I unfortunately did not see any cases or find any

cases in Trinidad and Tobago that were thrown out because of trial by Google, but I did find a case in 2012, *AG v Dallas*, where a juror did some research online and found that the accused was convicted prior, and because of this she felt the urge or the need to inform all the other jurors because of the offence that the person had been charged with prior, and unfortunately this led to mistrial because the judge got wind of it and it was thrown out and you had to have a new case. But do you know what happened to that juror, Madam President? She was charged with three months' imprisonment. Now, do you know what happens to a Trinidadian who does that? Nothing. I looked at the Jury Act, Chap. 6:53, and there is no fine, or imprisonment, or any consequence to such an action. So, again, we are encouraging it.

So, Madam President, we are a small country and we get the word on the street. So, I do recommend an amendment to the Jury Act if we want to really improve the justice system within our country. Unfortunately, lawyers always want a biased jury because they want to win, and winning is what makes more reputation, so we also have to ensure that we manage it properly.

Now, I have read in a case that a US judge was trying to make jurors pay more attention in court, and one of the methods he introduced was to have where after a session jurors would ask him questions, and if he found the questions were valid he would table them to the lawyers, and I found that was very nice because it encourages interactive listening. Now, not every judge likes that, so, perhaps we could implement it for those who prefer such trials to ensure that we target and allow the young jurors to have a say because, yes, it is difficult to sit still and listen. So, if we want a functioning justice system, an improved justice system, this is one of the recommendations we could look at.

Madam President, I do hope my arguments do not go unnoticed since this Bill is a simple majority, and we may not be needed in casting our vote. However, for consistency, I did review the different Acts which was the Criminal Procedure Act, Chap. 12:02 and 11:08 which is offences, and I did not see the amendment to allow judges on trial in a certain amount of sections in Chap. 12:02, and I am not sure why, so I am just going to list them just for consistency within the legislation, and that is section 30(3), section 46, section 51(1) and (2).

So, in conclusion, Madam President, we are here to amend in clause 4 the Criminal Procedure Act, Chap. 12:02, which would give the accused the option of being tried by judge and jury, or being tried by a judge alone trial under the guidance of the accused attorney, whoever is assigned to the accused. Now, again, I do not support this present legislation in this form, but I do recommend that if we are allowing a judge alone trial we should have it under guidelines such as—and this is taken from the UK system—if it is the case is of a technical or trivial nature, or where the issue to determine is one of law, or where the judicial directions or other measures were proved inadequate to address, or where the pre-trial is more a public matter, and we can sway the jury because of the publicity the accused is getting. Also, another case is where evidence is technical or likely to raise lengthy arguments as to its inadmissibility. So, those are options that we should look at before we go to say, okay, judge alone trials, or jury trials.

So, again, in closing, all indictable cases should have the right to a trial by jury, but if the accused is willing to waiver his or her right, it should be done under grounds determined by the court. Madam President, I have made a couple of recommendations, and I do recommend the amendment of the Jury Act, Chap 6:53, to allow guidelines to be written, and for members who would like to waiver their

rights that they have significant information. Also section 22 of that said Act should definitely not exist where a judge may determine the composition of a jury and may exempt women from service. I do not know why that law exists in our Act.

Sen. Chote: It was amended.

Sen. M. Ramkissoon: It was amended—I am seeing it amended but it still has the exemption to grant such, but maybe it has been amended. I stand corrected if it is amended.

Madam President, I have heard in the public that many have asked, does this present legislation address backlog? And if we turn to the Bill before us, the Miscellaneous Provisions (Trial by Judge Alone) Bill, 2017, and we look at clause 5, and that is for Chap. 12:02, and it says:

“This Act does not apply to any trial on indictment that began under the Criminal Procedure Act prior to the commencement of this Act.”

So, in my understanding this does not deal with backlog. [*Desk thumping*]

So, Madam President, I believe that we always want to do the right thing. I believe that this is a constitutional matter because it really infringes on the rights of citizens of Trinidad and Tobago. We are perceived 101 corrupted, and now we are putting this weight in a corrupted society on the judgment of one. I feel that is very unsafe, unfair, very imbalanced, and I would like to suggest we relook at this. I have given guidelines that I have seen in other legislation and have proved to be successful if we really want to go with the option, because it is a nice option to shorten cases.

But, Madam President, I am sure there have been discussions, as I am not a lawyer so I am not that inside the loop as others, but from the outside it does feel

fair and, as I said, if I was a millionaire I would probably be happy, but if I am poor I would not, so we need to make sure when we have legislation passed it needs to affect the majority and not the minority.

With those few words, Madam President, I thank you. [*Desk thumping*]

Sen. Daniel Dookie: Thank you very much, Madam President. I am very happy to have the opportunity to join this debate, and in doing so let me reiterate the Government's commitment to intervening and engaging in actions to confront the challenges which face our nation. We do so, Madam President, by building the right type of architecture and infrastructure to address our social issues, our economic and financial issues, and in this case address issues pertaining to crime. [*Desk thumping*]

I, too, Madam President, in the most serious way would like to congratulate our very distinguished Attorney General for continuing to bring to the Parliament legislation, in this case a part of the entire architecture, continuing to bring to the Parliament legislation despite the obstructionist attempt by some, in particular the Opposition. And I want to remind the country that it is the Opposition philosophy, the UNC philosophy in Opposition, to make the country ungovernable. Those are the words of the UNC. [*Desk thumping*] So, I most sincerely congratulate our very distinguished Attorney General, [*Desk thumping*] the hon. Faris Al-Rawi, despite the noise and confusion from the opposite side. And in the midst of that confusion, let me at this time remind the country that the alternative to the PMN is chaos and confusion. [*Desk thumping*]

Hon. Senator: And corruption.

Sen. D. Dookie: And corruption. I congratulate the Attorney General because I see he is building an architecture, a legislative architecture to deal with the issue of

crime. And we would know that there are measures that came before us already and there are those entrained. We would remember anti-terrorism. The motor vehicle legislation is entrained to Parliament and the Senate, the measure to deal with preliminary enquiries, plea bargaining, land administration, the global forum which has a connectivity to FATCA, FIU, the Companies Act, and all these individual construct, as independent interventions, but more than that, loaded together in a latent construct that we can describe as our legislative architect to deal with crime, I believe because of the exchanges and the interfaces coming about because of the high level of co-relation among these various measures will bring exponential benefit to the criminal justice system in Trinidad and Tobago. [*Desk thumping*]

So, we ought to be grateful that the country has an Attorney General like the hon. Faris Al-Rawi, an Attorney General who works, and not an Attorney General that is sought after by the police. So, I think and I believe that there is hope in Trinidad and Tobago, and I have every confidence that the Government will continue to engage in the right type of action. I think the time has come, the time has come not just to expose the criminal element, but to expose an organized movement in Trinidad and Tobago who celebrates crime. They rejoice in crime because they believe crime is their political saviour. They are this first ones who run to the media when a crime is committed exposing the victim's shame, even without care and concern for the victim. They are the ones who, when a wife is murdered, bring politics in it and expose it to the media; when a child is molested, bring politics in it and expose it to the media. And while we pray and ask God Almighty for our daily bread, there are people in this country who are asking God for a daily dead, because their political survival depends on it. I think it is time

that we expose those political opportunists [*Desk thumping*] and let me assure the country that the Opposition has no intention of working with the Government to address the issue of crime. [*Desk thumping*]

We know, Madam President, that there are those who are genuinely concerned, and there are those who would have made issues and raised issues regarding this measure. And we take it, and we will act accordingly, but we know there are those who have no intention of engaging in the right type of conduct to deal with crime.

Hon. Senator: The Bill, the Bill.

Sen. D. Dookie: As they call for the Bill, let me state again what this Bill is not about, and has been said many times. It is not about the abolition of trial by jury. It is not about the abolition of trial by jury, and even though in the noise made—I was hearing from the contribution of Sen. Sturge, attempted to put in the public domain again misinformation by quoting a half-truth, quoting from the presentation of the Attorney General, by attempting to state that the measure before us will result in the abolition of trial by jury. What the Attorney General, if you understand the context of his presentation, what he was telling the country is that the Bill before us encourages an analysis to determine if trial by jury should be [*Interruption*] and I would read it from the *Hansard*, because the noise that is in front of me seems not to understand, and I read from the Attorney General's presentation in this debate on the 14th of this month, 14th of March 2017:

“I have to say that the amendments to trial by jury are not new. What is different on this occasion is that we do not”—we do not—“seek to completely abolish trial by jury. What we seek to do is to take a half-way house approach and to deal with the election methodology, so that we can at

least establish some comparators.”

The Attorney General is highlighting the issue of comparison. Misquote again, confusion and mayhem, the modus operandi of the UNC. [*Desk thumping*] And let me also say, Madam President, that this Bill is not about taking away the right—you do not call me Dookie in here Sen. Sturge, you call me Sen. Dookie.

Madam President: Senator.

Sen. D. Dookie: Thank you, Ma'am. [*Laughter*] This Bill is not about taking away the right of anyone, but, Madam President, it is about adding to right of the accused to elect. It is about adding to the right of the accused to elect, and this helps, because I believe it adds value to the statement justice must not only be done but it must be seen to be done.

I believe, Madam President, the opportunity to elect by the accused makes justice more visible. I want to repeat that, Madam President. The opportunity for the accused to elect makes justice more visible. It is my information that the philosophy to elect currently exists in our laws., that it is my information that certain types of crimes the accused can elect whether or not we he will go before the magistrate, or he will go before a judge.

So, Madam President, what is the objection about? What is the objection about? Is it to oppose for the sake of opposing like the Opposition did with FATCA? Procurement? The bail amendment? The marriage Bill? Is it because of just obstructing? And I believe the Opposition is taking it too far, because my information is that the Opposition is now trying to interfere with the arrangement between Trinidad and Tobago and Venezuela regarding the agreement with gas supply to Trinidad and Tobago, trying to interfere with interventions to bring benefit to the people of Trinidad and Tobago.

Sen. Sturge: Point of order, 46(1).

Madam President: Sen. Dookie, come back to the Bill.

Sen. D. Dookie: Thank you, Madam. So, there is no reason to object to this measure which is before us.

Madam President, let me examine some of the statements and comments made in this debate thus far, and let me begin by how I believe Sen. Ameen summed up her contribution, and I think it is important to address it. Because she told us to leave it alone. That in my mind was the summary of her argument. But, Madam President, it is the duty of the Government of Trinidad and Tobago not to leave it alone. It is the duty of the Government of Trinidad and Tobago to assess the challenges which face not just our criminal justice system, but our challenges as a country as a whole and engage in interventions to address it. So, I want to tell the country today, we will continue to address the issue of crime and we will continue to address all the other issues which confront us as a nation.

And, then, of course, Madam President, Sen. Ramdeen made a very bold prophesy, a very bold prophesy, that no one would choose, or no one would elect a judge alone trial. Madam President, it is my belief that there are many people, in particular, those who are in remand who want a speedy trial, just as those who would have elected the magistrate, as I would refer to before, would take advantage of this opportunity. So, I think only time will tell. Time would allow us to determine how many accused would take this option.

Let me move quickly to Sen. Sobers, and I take this opportunity to most sincerely congratulate him in his maiden contribution on the last occasion. And Sen. Sobers stated that judges would have a difficulty in dealing with people who are wealthy.

Sen. Sturge: Madam President, 3(11).

Madam President: Sen. Dookie, continue.

Sen. D. Dookie: Thank you very much, Madam President. [*Desk thumping*] Let me repeat what I was saying before the interruption. That Sen. Sobers indicated in his contribution that judges would have a difficulty in dealing with politicians and people who are wealthy primarily on the basis of bias, primarily on the basis of bias. I want to make the point, Madam President, that it is because of the basis of bias, underscores and strengthens the importance of the choice to elect.

Hon. Senator: What! What!

Sen. D. Dookie: It is because of perceived bias, Madam President, bias not just on the part of a judge, or on the part of a jury, bias can be any quarter, because of the construct of bias, I think, adds credibility to the opportunity to elect.

And Sen. Sobers also told us, Madam President, that he made a comparison with Trinidad and Tobago and other jurisdictions, where trial by jury was totally abolished. And I think that that is not a proper unit of analysis. I do not think in the context of what is before us it is prudent to look at countries where trial by jury was totally abolished, because in our context here that is not what we are doing. And also, Madam President, the distinguished Senator quoted from Senior Counsel Israel Khan, who stated that in his 38 years' experience he has seen no evidence of jury tampering influencing a decision, and the Senator summarized by saying, concluding because of that, there is no the evidence because of that experience to suggest that any juror was ever tampered with.

What I want to say in relation to that, Madam President, as we engage the right type of analysis, as we engage the right type of study, I do not think we can use the opinion of one person to generalize and to come to a conclusion, and to

determine that an opinion is fact. I want to restate that, Madam President. In the context of analysis, in the context of research, I do not think it is prudent to use the opinion of even a distinguished individual to conclude that the opinion is fact. So, Madam President, I do not think the unit of analysis, as I said before, is relevant. And then, Madam President, Sen. Sobers hypothesized that it is easier to influence one judge than to influence an entire jury, and he raised the issue of influence. And accordingly, let me state that influence is not limited to influence through financial means. A jury can be influenced by information or misinformation, a jury can be influenced by association, by experience, or by training—or a juror I should say, Madam President, and it is my view that a judge is better trained and better focused to shut out the influence of these variables. So, Madam President, it is my view that because influence is a real possibility, the opportunity to elect is a valid one and one that I believe will benefit our system.

But, Madam President, I come to the contribution of Sen. Roach, and I think he made an outstanding contribution, and let me assure you that I am in no way trying to influence [*Laughter*] the hon. Member, but he highlighted a number of things, and one of the things he highlighted, which I believe is relevant to what we are discussing, is the issue of change. And he was underscoring the importance of engaging a new action, a new type of thinking, a new type of behaviour, to address situations which confront us. And I think as we engage in interventions rather, to address the issues facing our criminal justice system, we must do exactly what we are doing now by this proposal, by looking at new ways, because the problems that we face today will not be solved by the thinking of today or the knowledge of today.

4.00 p.m.

We need to create new knowledge, we need to create future knowledge to solve the problems of today. And Sen. Roach, Madam President, highlighted the importance of engaging in change. I want to state, Madam President, that this Government is not afraid of change. This Government will embrace change and this Government will act in the best interest of the people of Trinidad and Tobago. [*Desk thumping*]

Also, Sen. Roach highlighted how multifaceted is the criminal justice system and he spoke about the DPP, the police service, institutions, the political arm. And that is why, Madam President, I am confident about the approach taken by the Attorney General, because he is not just bringing legislation in isolation. Again, I restate that I do not think it is the most appropriate way to examine this measure before us in isolation. But I think it is important to examine it in the context of the whole because this measure before us has a strategic fit in the entire legislative architecture that the Attorney General is presenting.

Madam President, let me close by referring to some articles, scholars who have researched the matter so I can highlight some of the findings. Let me begin with Wrightsman in 1978 who examined the validity of the jury system and the challenges which jurors face. And he highlighted, Madam President, information retention, deliberation, skills or lack thereof, an understanding of the deliberation process, the ability for jurors to determine what is evidence and what is not evidence. The capacity of jurors to reconstruct trial presentation from memory and the ability of jurors to function as a deliberative team or deliberative body.

If I go to Brooks and Doom, 1975 and even Stephens way back in 1950. And Brooks and Doom stated from their study, that from the first jury verdict there were concerns raised about the performance of jury. They raised the issue of bias

pertaining to religion, aids, sex, education and culture. They highlighted the challenges of the increase in case complexity and pointed out to a particular situation in 1903, as far back as 1903, where a British judge refuse to allow a jury to determine a case because the court was of the opinion that the court was better able to do so and also these scholars would have highlighted that over the years there would have been an emergence of legal doctrine. And if I fast forward to 2016, Capel and Jackson in their work in 2016, examining capital cases as it relates to the jury system identified challenges, such as, knowledge of sentencing option, the perception of personal sentencing responsibility in particular as it relates to the death sentence, and understanding jury instructions.

I looked way back, Madam President, from 1950 to 2016 and there is overwhelming evidence to suggest that since the first jury trial there has been concerns raised about the effectiveness of jury performance. And that tells me that there is need for change. It tells me, there is need for intervention such as the ones that have been proposed here today and I believe, Madam President, as we engage and embrace change, what is before us, if given the opportunity to be operationalized, will bring significant benefit to a criminal justice system and benefit to Trinidad and Tobago. I thank you, Madam President. [*Desk thumping*]

Sen. Rodger Samuel: Madam President, again I consider it an honour and a privilege to stand in this Chamber and participate in this debate, a debate that is geared to amend the Offences Against the Person Act, Chap. 11:08, and the Criminal Procedure Act, Chap. 12:02, and for related matters.

Madam President, the amendments before us should not be taken lightly by the Senate. [*Desk thumping*] For if we are to take these amendments lightly we may overlook the damaging impact that it would have upon those that are accused, who,

by the way, consist of a majority race in the present system; who, by the way, consist of many persons who come from unfortunate backgrounds and environments. There are questions that must be answered if they are asked and they must be honestly answered: are juries fair? And as we consider the answers to such a question, we must also answer another question: What happens to the perception of justice in Trinidad and Tobago, seeing that the majority of judges that exist today are persons that originate out of the office that determines if they are to be charged in the first place?

What happens to the perception of justice? Because if my job originally is prosecutorial then how can I sit, if that is in my training, to deal with things from a neutral standpoint. Training develops us along certain lines.

Madam President, then there is another question that has to be answered and that question is, what is the value placed on the accused? Because when the hon. Attorney General in his discourse began to justify his reason for a change or an amendment in the Act, there was much emphasis on cost, there was much emphasis on the present state of the system, the numerics of the present disparities, the economics of the present system and then at the end there was this problem of choice. But I am confused, because, Madam President, some on the other side have said that there was no statement made by the hon. Attorney General that says he wants to remove trial by jury.

But Sen. Dookie at 3.49p.m. said, this is about adding to the rights of the accused. Yet, I have heard in this Senate the accused has no rights to a jury of trial by his peers. So I am confused, because now it is adding to the rights [*Desk thumping*] and I am quoting because when I wrote that down it is adding to the rights, when originally, we are told by the quotations in this Senate of high persons

in the system that the accused has no right to a trial by jury, [*Interruption*] which to me seems to be kind of conflicting, because in the Criminal Procedure Act:

“6. Every person committed for trial”—Chap. 12:02—“shall be tried on an indictment and, subject to the provisions of this Act, every such trial shall be held by and before a Judge and jury.”

So there shall be.

So, Madam President, you know, to the average person on the streets, they must be asking themselves, what on earth is going on in this Parliament? Mixed messages. But what is the cost of justice because things seems to be placed upon economics, cost of jury and cost of trial and cost, cost. What is the cost of a life? What is the cost of a person standing for judgment? What is the cost? What value do we place on that? As a matter of fact, Madam President, in an opinion made by Zoe Williams, a writer with regard to a book entitled: “*We will all suffer in Michael Gove’s war on Europe’s judges.*” He said:

“Justice and cost cannot be pitted against one another:...” [*Desk thumping*]

He said, Madam President:

“...justice must be considered on its own terms, and the cost must be borne by the state that wishes to call itself just.” [*Desk thumping*] [*Interruption*]

But, Madam President, I am blown, because in the presentation by the hon. Attorney General and some of his colleagues, cost and economics and saving money seems to be high on the agenda, [*Desk thumping*] but we cannot pit justice and cost together. As a matter of fact, it is the responsibility of the State, who wishes to consider itself just, to bear the cost. [*Desk thumping*] [*Interruption*]

Madam President, it is a sad state of affair that this is taking place today, that in one breath we read things that are in the public domain about the abolition, and

suggestions that trials by jury should be absolutely abolished because we leave things in the hands of, more or less 12 kinds of unlearned men and women. And I am saddened, because if I were to sit on a jury today, before all of this is implemented, I would feel that I am not qualified to deal with. In times past, those jurors who sat and came up with good judgment and came up with good things, were they illiterate? Was it a fact, Madam President, that they did not know what they were doing? I believe they knew what they were doing because over the many years of jurors in Trinidad and Tobago we have had excellent service from jurors in Trinidad and Tobago. [*Desk thumping*]

So whether those people before who were told that they had no right to a jury, yet the Criminal Procedure Act says, they have the right to a jury. Whatever they were told, that seems to be confusing because, you know, somebody could say you told me I had a right when I had no right, or you told me I did not have a right when I have a right. That could be a cause for an appeal, because I was misguided. Misguided, because if I was told I have no right and then at one part I have a right, then I am existing on confusion, and confusion is what is taking place today.

Madam President, but talking about rights I am concerned, because rights are important to me. I am not too sure rights may mean the same thing to every individual of every ethnicity, of every background, but rights to a person of my descent is important, because there was a time in history when my forefathers' rights were absolutely taken away. [*Desk thumping*] So when a person says you have no rights and I remember when we would—I am not going back to the SSA Bill, but we have no rights to privacy.

It appears as if this Government has embarked upon removing rights of citizens; right by right by right. Rights, [*Interruption*] when my forefathers had no

rights to even their own culture, their own name, their own traditions, rights. So everything now is about removal of rights and saying I have no rights. Dangerous, dangerous, Madam President. [*Interruption*] And we say it so eloquently that the average citizen is unaware of the damaging effects of statements of that nature. So what happen if rights are removed?

Madam President, who are we attempting to baffle, who are we attempting to baffle? Fortunately, I had a chance to go up on the Judiciary's website. [*Crosstalk*]

Sen. Sturge: "She eh know no law. She eh know nothing."

Sen. R. Samuel: The Judiciary's website.

Madam President: Sen. Sturge, please have a seat Senator. Sen. Sturge, I keep hearing the comments that you are making, so it is either you leave the Chamber or you make those comments in a much lower tone. Okay? Continue, Sen. Samuel.

Sen. R. Samuel: Thank you, Ma'am. I was fortunate to go up on the Judiciary's website and under, "General Information", and I quote:

"Jurors are critical to the administration of Justice in Trinidad & Tobago."

Hon. Senator: What! [*Desk thumping*] "Where yuh get that?"

Sen. R. Samuel: The Judiciary's website of Trinidad and Tobago, the Republic of Trinidad and Tobago.

Hon. Senator: "The CJ eh see dat."

Sen. R. Samuel: Yes, at the bottom of page says, this is authorized by the Chief Justice and the judges.

Hon. Senator: "Nah, nah."

Sen. R. Samuel: That is what it says.

Hon. Senator: "Nah."

Sen. R. Samuel: Listen to me, Madam President:

“Jurors are randomly chosen to give...verdict in criminal cases after considering evidence. The guilt of an accused person must be proved to the highest standard beyond reasonable doubt.

Jury service is one’s most important civic duty. It’s an obligation which is both memorable and valuable. Juries are needed for criminal trials without them, criminal trials at assizes cannot proceed.”

Hon. Senator: That coming down tonight.

Sen. R. Samuel: So I am quite confused that this is up on the Judiciary’s website, but in the public domain, abolish it. I am quite concerned about that. Yet, Madam President, another statement is made. As a matter of fact, in the *Daily Express* on September 16, 2016. I think it was Mr. Israel Khan who was responding to statements and the newspaper article of the *Daily Express* says, that in responding to the statements made by the hon. Attorney General, Faris Al-Rawi, that he has already stated that legislation is on the way to abolish trial by jury, Israel Khan says, that has to be madness. So I hear that it is not being said so you will have to refute the newspapers who said that he said that legislation is on the way to abolish trial by jury, *Daily Express*. [Desk thumping]

So, Madam President, this leaves a nation very, very, confused, a confused society, because in one breath you are hearing one thing and in another breath you are hearing another thing. And it is important for us to see that, if we are to be real, because one of the things that was said is that no Opposition should ever support such a situation. Madam President, it is important for us to realize that— [there is an article published on 17th of the ’17, the writer is Kim Boodram—

Madam President: State the date properly, please.

Sen. R. Samuel: March 17, 2017. The headline is:

“Ramesh: Focus on how low detection rate, not jury issue”

Focus on low detection rate, not jury issue. Madam President—[*Desk thumping*]

Hon. Senator: Read what the AG is saying, “nah man”, read what the AG is saying. [*Desk thumping*]

Sen. R. Samuel: Former Attorney General Ramesh Lawrence Maharaj says:

“Government should not be focused on jury trials when low detection was the problem.

‘I regret to say that I think more has to be done in order to control crime,’ said Maharaj, who confirmed on Thursday that he was working with Government to bring some on Death Row to the gallows, in compliance set by Pratt and Morgan judgement of the Privy Council.”

Hon. Senator: “Whey.”

Sen. R. Samuel: “Wow, wow, wow.” Madam President, so really, when we think about what is taking place in this country, we see a habitual approach to things. And Sen. Sturge has already quoted the former President of the State, when he says habits grow by degrees, as streams flow into rivers, into seas. And there is a habit to remove your rights, a habit to trivialize certain things that are serious in this country. [*Desk thumping*] And then, Madam President, that was seen clearly when we were in another debate and I am just going to touch on it and then at the end of the debate the three-fifths majority was removed at the wrap-up of the session. Another right so that nobody could say anything. Habits grow by degrees. Before long there will be chaos in this country because people will have to fight again for their rights. [*Desk thumping*] It is kind of dictatorial, it is bordering on it.

Madam President, I want to deal with a serious case because sometimes I feel we are going backward and people have spoken about trial by jury and all kinds of stuff. Madam President, I just want to quote from Northern Ireland, “Non-Jury Trial Provision in Northern Ireland”, *Hansard* online. It says:

“Today my department is launching a public consultation on Northern Ireland non-jury trial provisions contained within the Justice and Security... Sections 1 to 9 of the 2007...”

—and he goes on to talk.

“These are temporary provisions which may be extended by order for a period of two years. The non-jury trial system was last extended in July 2015 and will expire on 31 July 2017...”

The provisions for non-jury trial under the 2007 Act allow the Director of Public Prosecutions for Northern Ireland to certify that a trial on indictment is to be conducted without a jury...

This Government remains fully committed to seeing an end to non-jury trials in Northern Ireland, when safe and compatible with the interests of justice.” [*Desk thumping*]

Northern Ireland, *Hansard*.

Madam President, we are confusing the society. We are confusing the society and I believe that we are in the midst of a situation where one writer really said, it is alluded to Hitler, but I will not allude it to Hitler.

“The best way to take control over a people and control them utterly is to take a little of their freedom at a time, to erode”—their—“rights by a thousand tiny and almost imperceptible reductions. In this way, the people will not see those rights and freedoms being removed until past the point at

which these changes cannot be reversed.” [*Desk thumping*]

Take away rights, take away freedoms, tell you, you have no right, confuse the society.

But, Madam President, it is as if we are going backward, because I want to quote a case. And the case, I am certain that those on the other side will never quote this case, but it is a case that had been tried and regularly referred to, not by the legal fraternity, not by the Attorney General, he continues to refer to law this and law that, but I want to refer to the case of Lord Jesus. [*Desk thumping*] Trial by bench, trial without jury.

Hon. Senator: Whey! [*Desk thumping*] Crucify Him.

Sen. R. Samuel: Trial of an innocent by judge alone. I want to refer to this case that has been presented by four known writers, Matthew, Mark, Luke and John. Four learnt writers, respected writers of antiquity, respected lawyers of years ago that people build their faith upon, Matthew, Mark, Luke and John.

In this particular case, the accused was accused of treason, which really, if found guilty was to be put to death. Serious matter. As a matter of fact, Madam President, when He was first accused, plots were there to present false witnesses. [*Crosstalk*] There were two false witnesses that came up [*Crosstalk*] and do not make a mockery of this, two false witnesses, Madam President. And those who were rulers of the day, rulers of the day—

Sen. Rambharat: A point of order, blasphemous.

Sen. R. Samuel: It will be blasphemous. Madam President, took him before the authorities. They took Him by night. They did everything possible to have a conviction.

Madam President, and in the narrative of those who were eye witnesses, they

took him before a governor who in those times acted also, from a judicial standpoint, as judge, jury and executioner. And when taken before Pilate, Pontius Pilate, Pontius Pilate being the governor, decided that, I need to pull away from this, because he heard that Herod who was Tetrarch of Galilee, he was the one—*[Crosstalk]*—“Doh make a mockery of me, eh”. *[Crosstalk]* He, Madam President, passed the jurisdiction of the case unto Herod. Herod eventually passed it back to Pilate because they did not want to sit. But in those days there was no jury, it was judgment by the bench, only a judge alone. But I want to read certain things that took place.

Madam President, intimidation of one man. I am quoting from John’s Gospel, the Chapter is No. 19, with permission, Ma’am:

“Then delivered he him therefore”—Verse No. 16—“unto them to be crucified. And they took Jesus, and led him away.”

But to back up to that, Madam President, all through this case the judge “keep” saying I find no fault in this man. But when the public started to press, the public started to press, the public started to say, if you release this man we will accuse you of being against Caesar. Madam President, that is strong accusations, knowing that that governor, according to history has had some difficult times in his tenure as governor when he was—*[Crosstalk]*

Madam President: Hon. Senators, at this stage we will suspend until 5.00p.m. So this sitting is suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m. *Sitting resumed.*

Madam President: Sen. Samuel.

Sen. R. Samuel: Madam President, it is important for me to continue where I left

off lest those people who are unlearnt with regard to the sequence of things that have taken place in this trial by judge, would misrepresent the facts laid down by such case. In this case, the system was designed that one man, and one man alone, judges the situation. But in this particular case, what we find, Madam President, is intimidation, false witnesses. We find situations where, by the judge alone, he felt that nothing was wrong but when public pressure was placed on him he recanted from his early positions and eventually had to now submit.

But, Madam President, the submission was not just the only thing, but was the cause of the submission. And I remember somewhere reading that, you know, it may be wise for us to think, or to visit the fact that people are paid. Judges are paid by the State and different people are paid by the State, just as—as a matter of fact, Madam President, from time to time on the streets of our cities and our towns, and our villages, what we find is that there is a season where police officers step out into the traffic arena and they give tickets, front, back and centre. They “doh” want to hear anything, as if somebody “tell them is time to make some money”. [*Desk thumping*] As if somebody has instructed them: “Go out there and make some money.” It is not a regular thing but it just happens on seasons, as if they are instructed.

I remember being a victim to such a situation, and in telling the officer, Madam President, “You are wrong. Go and check the situation there”, he says, “Well, you will have to take it to court.” Well, Madam President, he never appeared, thank God, because I felt in the court I would have had to embarrass him based on his judgment.

Madam President, so they took Jesus before Pilate because they had already determined that he was guilty. They said to Pilate when Pilate asked them: “What

accusations do you have against this person”? And when they shared this, they said to him: “Well if he was not guilty, we ‘wouldna’ bring him.” So he was not innocent until proven guilty; he was guilty until proven innocent.

That was this court case, and, Madam President, trial by bench. I must applaud Judge Pilate because he did not want to be a rubber stamp. He did not just want to be a normal person who would just take what the people say. Well, he fought back a bit. As a matter of fact—and it is in him trying to stand up to the pressure, more pressure was placed on him. And they knew the problem that he had because, Madam President, as human beings we all have problems. It does not matter at what level in our society we are, at what level we operate, we have problems. We have personal problems, social problems, secret problems, and we have prejudices likewise. And it is important for us to understand, with all of these things that we carry as a burden in our own way, in our own lives, we have our likes and dislikes, we still have to attempt to be unbiased, which is a challenge in itself.

I would prefer to sit at the hands of 12 persons who would appear to be unbiased than to sit at the hands of one person. [*Desk thumping*] I think I have a better chance to do such, because if I do not choose that, Madam President, then I would be putting myself in difficulty. As a matter of fact, what is being presented now is not a choice of rights. It is between rights, as the Bill says, and risk. It is about rights and risk. It is a risk going judge only. Jesus experienced that.

Sen. Ramdeen: He “woulda”.

Sen. R. Samuel: I would tell you that. As a matter of fact, Madam President, in this particular case he was accused of perverting the nation, forbidding others to pay taxes against Caesar, treason. His life was at stake at that particular point in

time. But something happened when the judge decided that this is no case. The judge decided that, and the people were not satisfied. As a matter of fact, Madam President, the people then said to the judge: “If you let this man go, we will say that you are not a friend of Caesar.” In other words, “You would lose your governorship. We would report you. You have had a history.” If you read the history of him, he has had a history of difficult times. People had reported Pilate for indiscretion in many instances, and now he was walking a thin line as a governor. His future was at stake. His position and authority was at stake, and now he—you know what it is when you reach a point where you could lose everything? This judge reached a point where he could lose everything. “And you would be ridiculed by Caesar.”

As a matter of fact, in times past in the history of Rome, Madam President—

Madam President: Sen. Samuel, please have a seat.

Sen. R. Samuel: I am going back to the—

Madam President: Well, I want you to get to the Bill. You have dealt—
[*Interruption*] Sen. Samuel, we have heard the discussions even before the tea break. You have made your point, but it is time now to deal with the Bill. Okay?

Sen. R. Samuel: The Bill says, Madam President, that a person now could be tried by judge and jury, or a judge alone, if he so elects. But, Madam President, the repeal to section 6 which already gives him the right to a trial by judge and jury, now gives him a choice. A choice that can be, based on the case that I just said, detrimental to his existence; detrimental to his future, dangerous to his family, dangerous to his freedom. They can remove totally his existence—Madam President, any mistake that such an individual makes. Because in any case, where there is a jury, the judge is the one who sets the parameters of the case and the law.

It is the judge who acts as a referee. And could you imagine a judge is no longer just acting as referee, but he is also playing the game? He is now anything. He is now part of the process, and it does not make sense.

As a matter of fact, Madam President, if the Attorney General is saying that there is a backlog in the system and this is going to help deal with the backlog in the system, it was Sen. Ramkissoon who clearly, clearly stated that clause 5 of this amendment says:

“This Act does not apply to any trial on indictment that began under the Criminal Procedure Act prior to the commencement of this Act.”

So the backlog situation is a problem. In other words, Madam President, if we try to—if we say that this will fix the problems, what is the time span we are giving to fix the problems? Can the Attorney General assure us that in six months, in one year, the backlog will be reduced by such and such, by 25 per cent, 50 per cent, whatever percentages that we have? Can the Attorney General assure this House and say that? He cannot do that.

Madam President: Sen. Samuel—

Sen. R. Samuel: Thank you, Ma'am. He cannot. This is a hit and hope. This is a “voop”. This is going in the wicket and “pelt” your bat hoping that you could hit something and if “yuh hit, hoping that yuh eh get out”. And, Madam President, it is such a dangerous approach to life. When we had an issue of a backlog of students and the population was increasing and there were more students than schools, what we did we do? We tried a “voops”. What we did? They started with half-day schools—a “voops”. And half-day schools, they called them junior secondary schools, and children, they out of school half-day and it caused more chaos in the society. Then they said it is not working, so they went back and built

more five-year schools, and cut out the half-day schools.

This is another half-day school situation. This is saying, “Ay, it ha too much cases”, let us have some half-day schools. Let us have some trials by judge—half-day schools—and we are hoping that it will do something to the society. Madam President, this does nothing to the society. Unless all of the other things that have been recommended, all of case studies; the police doing their work right and the system functioning right, where cases are not postponed and postponed and postponed, unless all of that takes place, Madam President, and all those people on petty crimes that are clogging up the system, and people are there who cannot have defendants, unless we deal with that, Madam President, this is another junior secondary. [*Desk thumping*] This is just a half-day school affair, and the time has come to remove the half—do not go back into it. And if a person wants to take us back into that system, I prefer that person be removed and the system left to be operated in an effective way.

I thank you, Madam President. [*Desk thumping*]

ADJOURNMENT

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Madam President, I beg to move that this Senate do now adjourn to March 28, 2017 at 1.30p.m. in the afternoon. This is going to be Private Members’ Day and on that day we will resume debate on Motion No. 1 in the name of Sen. Sturge.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised on the Motion for the Adjournment of the Senate. Sen. Mark. [*Desk thumping*]

Tourism Development Company

(Closure of)

UNREVISED

Sen. Wade Mark: Thank you very much. Madam President, Thursday the 9th of March, 2017 will go down as a day of infamy in T&T. It was the day when this very insensitive Government took a decision to close down, to dissolve, to destroy the Tourism Development Company [*Desk thumping*] and in the process laid to waste some 120 workers and their families. Madam President, this took place in the usual style of this arrogant PNM: no consultation, no discussion, no dialogue with the recognized majority trade union, with the stakeholders in the industry. And, Madam President, today, with that infamous decision on the part of the Government, we have workers reeling under pain in this land at this time.

This Motion—this matter—is raised against the background of a decision taken by this Government to, as I said, shut down this very important industry. The Communication Workers' Union did not sign the Memorandum of Understanding between the PNM and the JTUM, Joint Trade Union Centre, or Joint Trade Union Movement, and one wonders if that is one of the reasons why this union is being victimized.

Sen. Baptiste-Primus: Come on, Wade Mark. You know better than that.

Sen. W. Mark: Madam President, I want to bring to your attention that this union only gained recognition in April of last year—2016—and submitted proposals to the management for their first collective agreement in January of 2017, only to be told that they needed more time to study those proposals. Madam President, the reality is that the workers of that institution have been around since 2005, because TDC is a state enterprise. It was established in 2005 as a special purpose company. The question that has to be asked is: why did the Government take that decision to shut down, to close down, to dissolve, the TDC?

Well, Madam President, the CWU has its own views on it. They are of the view that an award of a contract was given to a company known as Beckles

Environmental Company Limited, and that company may have been part of the reason why the Government hastily decided to close down this company. Madam President, in a paid advertisement on Saturday, the 11th of March, 2017, in the *Trinidad Express*, the Communication Workers' Union condemned the Government's decision to dissolve the Tourism Development Company in a paid advertisement. And I want to quote a section of this statement. It states, and I quote:

“We wish to state that in January of 2017, the TDC commenced an investigation into the award of a Contract to Beckles Environmental Services Limited on July the 7, 2016 relative to Drainage and Associated Works along the Maracas Bay Car Park. This Contract was awarded after the names of four (4) Contractors were allegedly submitted by the then Minister of Works. Subsequent to that, the Ag. CEO was sent on vacation leave in January 2017”—Madam President—“Two other employees have also been sent on Vacation Leave”—and “A meeting was...held on Monday 6th of March...to reveal the findings of the investigation”—which—“was subsequently postponed.”

So the question is being asked, Madam President: was the awarding of this contract to Beckles Environmental Agency—or Company—partly responsible for the sudden closure of this organization?

What was very curious was that a month before that, in February, the Chief Secretary in the Tobago House of Assembly had publicly established, or announced, rather, the establishment of a Tourism Authority for Tobago. So in February, the THA was announcing a Tourism Authority for Tobago, and it was one month after that this very dangerous, insensitive and callous Government took a decision to close down the TDC. [*Desk thumping*]

So what do we make of this? Madam President, and the question here is that the Government is saying they are going to create three companies: one for Tobago—so is Tobago part of Trinidad? I thought we are one unitary state. I thought we are Trinidad and Tobago. I do not know if Tobago wants to secede and to become an independent state. I do not know of it. But we are being told, Madam President, that one will look after Tobago's interest, one will look after Trinidad's interest and one will be a regulatory licensing agency and authority to set standards, they say, in Trinidad.

Madam President, the question that is being asked and on the lips of the people: Is this part and parcel of a plan to bring and to facilitate Sandals into Tobago? [*Desk thumping*] That is the question that people are asking. Did the Government take that decision in order to facilitate its project in Tobago for Sandals? That is what the people are asking, and the workers are asking. Madam President, this is an insensitive approach to industrial relations. I am flabbergasted that we have two former trade union leaders in that Government and this was allowed to take place: the Minister of Labour and Small and Micro Enterprise Development and the Minister of Education. How can they sit and allow the Industrial Relations Act to be flagrantly violated and breached as it has been? [*Desk thumping*] Section 40 of that Act, Madam President, was breached.

So, Madam President, the workers and their unions are calling for the following three things: one, they are saying, rescind that decision taken by the Government. [*Desk thumping*] Two, they are saying, hold genuine consultation with all the stakeholders, inclusive of the workers and the trade union. And, Madam President, they are also saying there is also a need to establish a central agency for the development of tourism in Trinidad and Tobago and not to divide this product between Tobago, Trinidad and some regulatory and licensing

authority.

Madam President, I thank you very much. [*Desk thumping*]

The Minister of Tourism (Hon. Shamfa Cudjoe): [*Desk thumping*] Thank you, Madam President. I must say I am indeed humbled to stand here in this august House where I first served as an Opposition Senator [*Desk thumping*] to respond to this Motion brought by now Opposition Senator, Wade Mark.

Now, Madam President, it is interesting that the Opposition Senator would raise these matters, and I see it as a way of creating hype and unnecessary panic in the nation. We all would have known that the TDC, in its current dispensation, would have come from several other organizations. We know of the Trinidad and Tobago Tourism Board, then there was TIDCO, and in an effort to place more focus on tourism, TDC was developed in 2004 by a Cabinet Minute. I think Cabinet Minute 1969 was created in the year 2004.

Now, Madam President, I want to touch a little on some matters that I was not expecting him to raise but he raised anyway, as it relates to having this new entity to facilitate Sandals. Tourism in Tobago falls under the remit of Tobago House of Assembly, according to Act. No. 40 of the Tobago House of Assembly Act, No. 40. So the Tourism Development Company was not in any way involved in those talks or negotiations because that was a discussion between the Tobago House of Assembly who has the responsibility for tourism in Tobago and the Central Government. So that is just causing unnecessary hype and I guess the Opposition has to talk about something, so they have to talk.

So, Madam President, upon assuming office, the Government noticed that there were several inconsistencies in the operations of the TDC. Cabinet noted that Trinidad and Tobago had not developed its potential in the tourism sector and that attention must be paid to the institutional structures created to provide appropriate

management capable of delivering an internationally competitive product, together with a dynamic marketing and promotion programme to firmly establish Trinidad and Tobago's brand recognition in every source market. Given the mandate of the TDC, the data available for indicators of the tourism sector suggests that the organization was not achieving its objective. One key indicator is visitor arrivals, and between the years 2008 to 2016, visitor arrivals had been steadily declining. Over the period we would have had a decline in the UK market and in the Canadian market, also in a number of other markets that are especially critical to Tobago also.

Notwithstanding the above, the TDC still incurred costs of over \$441 million between fiscal 2007 and 2016 under its marketing subvention. It is important to note that sponsorships formed part of these expenses with \$31 million paid out between 2010 and 2015. Despite the efforts of the Ministry and stakeholders to ascertain the rationale for ad hoc marketing strategies, the TDC committed marketing funding to trade shows, travelling and overseas marketing representatives with no clear targets for achievement. Arrivals from many of our source markets would have declined considerably over the period.

With respect to product control and development, TDC developed projects to address product development, standards and licensing with funding sourced from the Ministry's development programme. The Ministry, given its oversight function is responsible for reporting to the national agencies on the performance of the development programme. The TDC's projects relating to standards and licensing remained voluntary with little or no marketing strategies to increase participation among tourism stakeholders. Moreover, stakeholders who participate in these programmes have indicated, through surveys, their dissatisfaction with the implementation of the projects.

Now, Madam President, additionally, the TDC has not effectively implemented projects under its development programme over the period. This resulted in numerous queries from the national agencies, appearances before parliamentary committees to explain the slow, low implementation and reduction of the allocation of funding under the development programme in the Ministry. Despite numerous attempts to address the TDC's implementation through regular meetings, proper planning procedures, moral suasion and technical assistance, the TDC's process remain incapable of executing their development programme.

Now, the cost structure of the TDC increased from roughly \$21million in 2006 to \$50 million in 2015. Despite an approved organizational structure, the TDC increased its employment of contracted staff to over 100 persons. This increase in human resources was not matched by increased performance or delivery of output by the organization. Moreover, in March2015, the then CEO took a decision, with no board approval, with no necessary approval, to increase the salaries of all employees to the highest end of the band range. This resulted in an increase of almost \$5 million to employees in retroactive payments. Additionally, persons were employed or promoted to positions for which they had no relevant qualifications. Based on the decision, wages now account for about 52 per cent of the company's administrative expenses, with overall personnel expenditure accounting for approximately 60 per cent of that overall administrative expenditure.

Over the period of fiscal 2005 to fiscal 2016, recurrent expenditure totalled \$400 million. Over the same period, the TDC's marketing expenditure and development programme expenditure combined, totalled \$521 million. So as it relates to these concerns for cost for overseas marketing reps, and so on, the Government became very, very concerned about it. Stakeholders from all

categories of the tourism sector have expressed concerns with the functioning and the performance of the TDC over time.

So, Madam President, the Cabinet took a decision to examine, without prejudice, the Tourism Development Company and its role in marketing Tobago and Trinidad and Tobago as a destination. A consultant was hired and the assignment included: the examination of the tourism master plan, 1995; the three-year rolling plan, 2002 to 2004; Vision 2020 strategic development plan, and the national tourism policy.

A list of—a wide range of stakeholders were consulted and I want to list some of them. We had the Ministry of Tourism; advisors within the Ministry of Tourism; the Permanent Secretary; Deputy Permanent Secretary; the tourism coordinators of the Tourism Advisory Unit in the Ministry; the research officer; communication officers and technical advisors within the Ministry.

Within the TDC, you have the CEO of that time; the general manager, marketing; training and development specialists; the manager, legal; manager, finance and administration; the manager, sites and facilities; the manager, investment facilitation; the manager of niche marketing; manager of human resources; manager of research and planning; sales manager of the convention bureau; the internal auditor; manager of information technology; manager of corporate communications; industry standards specialist and quality control from the standing committee.

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You have the head of the standing committee, the chair, Dr. Accola Cameron; you had from invesTT, the President; you had Vice-President of Investor Sourcing from invesTT; you have from the Trinidad and Tobago Bureau of Standards, the Standards Officer 11, Certifications Division in Accommodation;

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the Tobago House of Assembly: the Director of Tourism, the consultant in the Tobago House of Assembly Administrator, the transportation coordinator, production development manager, tourism manager, and the list goes on and on. People from the Tobago Hotel, Restaurant and Tourism Association; then you have the Tobago Hotel and Tourism Association, people like the president of the association—[*Interruption*]

Madam President: Minister, you have one more minute.

Hon. S. Cudjoe:—vice-president, you name it, Madam President. In the tourism industry stakeholders in Trinidad, you have the president of the association, the transport association, the head of Cruising and Shipping, Port Authority, board members. The list goes on and on. The Tour Guides Association, you name it, Madam President.

Hon. Senator: They were consulted with?

Hon. S. Cudjoe: They were consulted. They were consulted with and not just for this process, also for the building of the road map. So you had the Tobago marketing plan and the Trinidad marketing plan, and there are letters from stakeholders asking for the marketing and product development segments to be done separately.

Sen. Mark: Were the unions consulted?

Hon. S. Cudjoe: I have received letters from the Hotel and Tourism Association here in Trinidad and there were consultations with them in Tobago, and the stakeholders have welcomed this move to do marketing and product development separately. You will find that in the newspapers.

This morning, we also—[*Interruption*]

Madam President: Minister, your time is up.

Hon. S. Cudjoe: Thank you.

Citizen Security Programme**(Continuation of)**

Sen. Khadijah Ameen: Thank you very much, Madam President. Madam President, in 2008 the Citizen Security Programme was launched. It was extended for two years in 2014 to include the East Port of Spain area. A special extension by Cabinet was given in 2016, and that programme, I understand, comes to an end on the 4th of April, and to date the employees and beneficiaries of that programme have no word on whether the Citizen Security Programme will in fact continue after the 4th of April.

Madam President, to give some background, this is a programme whose primary function is to prevent primary violence in communities, and it was initiated by the Ministry of National Security and financed partially by the Inter-American Development Bank. The programme is based on a three-pillar structure combining community action, giving assistance to the Trinidad and Tobago police and institutional strengthening of the Ministry of National Security.

This programme started as a part of the United Nations Development Programme in 2007 in 22 communities that were considered high-risk in Trinidad and Tobago. It was officially launched in May of 2008 and I just want to refer, it was launched at—then Minister of National Security, Sen. Martin Joseph, launched that programme. The objectives of the programme were to see hopefully that there would have been a reduction in the levels of homicide, robberies and woundings in partner communities; to increase the perception of safety in partner communities; the reduction of injuries related to firearms, child maltreatment, domestic violence and youth violence; and to increase collective efficacy to prevent violence in partner communities.

Madam President, particularly with the increase in violent crime and

murders, and the risk that many of those at-risk communities where you see a high number of murders taking place, but given the fact that in every part of Trinidad and Tobago you have an increase—and in fact every citizen is at risk—I think it is important for the Minister to give some justification as to whatever decision his Government takes with regard to this Citizen Security Programme.

This programme, Madam President, focuses on young people between the ages of seven to 24, and several countries, including in South and Central America and the Caribbean, similar programmes were implemented and it provides young people with other outlets to express themselves. Many of those high-risk youths were able through this programme to become involved in music, drama, theatre, sports, life and social skills development and other community interests.

The community-based interest will be developed by experts and residents to address the issues I identified earlier—child violence, juvenile delinquency, antisocial behaviour and so on—in these partner communities. There was also a part of the programme that addressed school-based violence, and part of that programme was to equip parents and teachers and students with the skills needed to address various aspects of school violence. Today, we are seeing so many reports of students, young children, who have been injured by bullying and other forms of violence in schools.

Another aspect of the programme is to provide youth friendly spaces in these partner communities, and I know for a fact that through this programme, designs were completed. Architects were engaged to work with those communities to come up with designs for those buildings that would be homework centres and other youth friendly spaces. Tell us if this programme is going to end, if the moneys invested in those designs—adding the consultations to come up with those designs—would have gone to waste if it does not produce fruit by going to the

construction stage.

Madam President, also a fund has been set up, I understand, to inspire confidence in one's neighbourhood which will finance micro projects aimed at improving the safety of lives in communities. It seeks to promote the positive development of young people in those partner communities and, of course, geared towards the reduction of crime and violence in these 22 at-risk communities. Nineteen of those communities are in Trinidad and three of those communities are in Tobago.

Through this programme, this finance, many of the projects that communities chose to have in their area are spaces to encourage community participation and getting to know each other. Some communities I know, like Mango Rose, for example, chose a community play park; I know that in St. Joseph there, that area known as Bangladesh, they also had a project, but I think the youth friendly space was something that many would have looked forward to.

The programme involves the mobilization of communities, so that community action officers will visit these communities. They organize residents into community groups to find solutions to crime and violence in their neighbourhoods. And, Madam President, because of my background in local government, I consider it critical to allow communities and citizens the opportunity to participate in crime reduction and the safety and security of citizens in our country.

The police, of course, are a big part of working with the stakeholders, but the institutional strengthening of the Ministry of National Security is also a component of the CSP and the emphasis is on, of course, using the scientific data gleaned from those communities to develop policies to fight crime, to deal with violence and crime management in general. I think that is something that our Ministry and our

Minister of National Security could do with at this time when there are more problems than solutions where crime is concerned.

These community officers went into communities and formed community action councils with residents, and many of them were trained in conflict management, in dispute resolution, in mediation, parenting skills and development, and they were part of coming up with community safety plans, and I think where, as many of the situations that result in violent deaths, particularly with guns and so on, Madam President, in many cases gang violence, gang warfare and other disputes ought to be resolved by people who live within those communities. And so, I think there is great value for this programme.

Madam President: Sen. Ameen, you have one more minute.

Sen. K. Ameen: Madam President, I will go quickly to my conclusion. There is a UNDP Report 2015 that did a review on the programme and they made several recommendations, and generally they indicated that there is a benefit from further exchange with organizations. They recommended strategic partnerships in Trinidad and Tobago that it should be further pursued as a way to guarantee this programme's sustainability and advancement, and this Minister ought to tell us if not this, then what?

And, if you are going to continue the programme, have you looked at the relevance, the effectiveness, the impact and the sustainability in going forward in terms of where changes ought to be made; and what happens to those employees of this programme who have dedicated themselves to service in Trinidad and Tobago in at-risk communities; they will be now on the breadline? [*Desk thumping*]

Madam President: Minister of National Security, you have 10 minutes.

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, madam President. Madam President, may I defer my answer in the

context of looking at some of the historical perspectives of the Citizen Security Programme? I want to do so, so that I can answer Sen. Ameen's questions within the context of what has happened, how the programme came into being.

She rightfully mentioned that the programme started in 2008 when there was a loan agreement between the Government of Trinidad and Tobago and the Inter-American Development Bank, and I say this because the loan was in fact US \$24.5 million while the total budget for the programme was in fact US \$35 million. So that the Government of Trinidad and Tobago then had to provide the additional \$10.5 million. The programme as she rightfully mentioned was really based on an overall strategy to deal with crime and violence in at-risk communities, but the specific objective dealt with reductions in murder, reductions in youth violence, child ill treatment, injury based on weapons, et cetera, et cetera.

The Citizen Security Programme had basically three main components, that is, community action. The community action dealt with interventions within the various communities at risk throughout Trinidad and Tobago and she mentioned 22, but the programme in fact spread throughout a number of different areas in Trinidad and Tobago. It also dealt with assistance to the Trinidad and Tobago Police Service and, of course, institutional strengthening.

Madam President, the programme itself was extended on two occasions. While it started in 2008, it extended in 2014 to 2016, and 2016 to 2017. What I want to tell the people of Trinidad and Tobago and this House, is that during that period there were several interventions in the programmes, evaluation analysis in the programmes. Those programmes—in fact, the assessment of collective efficacy in the CSP partnership was dealt in 2014, the UNDP peer-review was dealt in 2015, CSP evaluation was dealt in 2015, and there was a National Crime and Victimization Survey in 2015.

Now, this Government in reviewing the programme which it must do, based on the cost of the programme, but in additionally, the programme based on the IDB funding was up to December 2016. So the Government in going forward decided that they must do an evaluation, but they also took into consideration the evaluation that was done before by the UNDP peer-review and by the National Crime and Victimization Survey and other evaluations. The Government took a decision to conduct its own review and it mandated the Ministry of Planning and Development to do a review, to look at the future of the CSP Programme.

Madam President, in looking at the review, the Cabinet also agreed to provide an additional TT \$25 million under the 2017 PSIP budget to enable contractual obligations to be met and the programme continuation due in this period. Cabinet also agreed that outstanding balances and contracts going beyond April 2017, estimated at \$15.1 million, be met from counterpart resources, the year budgetary allocation on the PSIP.

So that the Government in considering the evaluation forward, considered even beyond the April deadline in terms of the termination of the programme. At this juncture, Madam President, the Government is in fact considering all the evaluations that were done. However, at this junction, we are still waiting on the evaluation that is to be completed and is near completion by the Ministry of Planning and Development, which would then determine the Government's policy in terms of going forward. The Government, Madam President, is intent on avoiding any premature announcement. Deliberations pertaining to future arrangements with the Citizen Security Programme are currently being undertaken, and when that has been determined, then the announcement would be made.

Madam President, there is no intention of the Government to make my premature announcement based on evaluation that is being done. The Government

understands the cost implication and we are operating in a time of budgetary constraints. So in going forward, the Government determined that it must balance its expenditure against almost every programme that is being run at this point, the CSP no different. So at this point in time the Government is intent on avoiding any premature announcement and will do so when it is ready based on the results of the evaluation, Madam President. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.47 p.m.